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ABSTRACT

The passage in 1974 of the Family Educational Rights and Privacy Act (The Buckley Amendment) created concern throughout the education profession. The purpose of the Buckley Amendment was to: (1) assure parents and students access to education records; (2) protect the individual's right to privacy by limiting transferability of their records without consent; and (3) give individuals the opportunity to challenge the correctness of information or enter an explanation regarding misleading or inaccurate information in their files. This study of the impact of the Buckley amendment on the teaching profession sought information associated with the use of open and confidential recommendations. It also sought information concerning how institutions of higher education utilized the Buckley Amendent. Data from two questionnaires were used. Twenty-eight findings from the resulting data are listed and form the bases for conclusions on the impact of the Amendment on the placement of teachers over the past decade. Copies of the two questionnaires are appended. (JD)

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BUCKLEY: ONE DECADE LATER
IMPACT ON THE PROFESSION

by
Daniel Horton, Jr.
and
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ASSOCIATION OF TEACHER EDUCATORS
INDIANA UNIT

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
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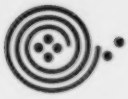

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CHAPTER 1

INTRODUCTION

In 1974 the passage of the Family Educational Rights and Privacy Act (hereafter referred to as "The Buckley Amendment") created concern throughout the education profession. Although these concerns basically have failed to materialize, passage of the Buckley Amendment produced dire predictions relative to the impact of the legislation on the profession. The negative tenor of the articles which appeared in professional literature in the mid-1970s has basically changed. A typical reaction currently is the summary analysis of Groves and Groves (1981) that the Buckley Amendment filled a void on policy in how to deal with records. They summarize that it is a good act because it provides standards for judgment and an administrative system to avoid conflict.

The original Buckley Amendment did contain problems which would have led to the realization of the projections of doom and disaster in the opinion of Thomas S. McFee, HEW Deputy Assistant Secretary for Management, Planning and Technology in 1974 (and the individual who was given responsibility for administration of the act on November 19, 1974) (LeRoy, 1976). He noted that the law was hastily put together but the problems which were identified were hopefully rectified before the final regulations were published in the *Federal Register* on January 6, 1975. These were revised on March 2, 1976, and again on May 9, 1980. As noted by Groves and Groves (1981), the amendment will likely need further analysis and amendment if the act is to remain viable.

The purpose of the Buckley Amendment in the words of Senators Buckley and Pell (LeRoy, 1976) was "first . . . to assure parents and students access to education records; second to protect such individuals' right to privacy by limiting transferability of their records without consent; and third, and this is a very important aspect of the law, not to overturn established standards and procedures for the challenge of substantive decisions made by institutions, but to give parents and students the opportunity to challenge the correctness or at least enter an explanation regarding misleading or inaccurate information in their files" (pp. 141-142).

The Buckley Amendment is unique in that it requires people to be informed of their rights. It is the first federal legislation governing student records which previously had been governed purely by state law. The act applies to all educational institutions receiving funds under any federal program administered by the Office of Education, including institutions whose students receive funds from this source (Langrock, n.d.). It authorizes the U.S. Secretary of Education to withhold all Office of Education funds from an educational agency or institution which fails to meet the requirements of the act. Gluckman (1983) notes the law provides no private remedy to persons claiming violation of the law, except for complaint to the Department of Education.

Thomas McFee (cited in LeRoy, 1976) stated in April 1976: "It is my sincere hope, and I know the hope of the department, that funding to a single school under the Buckley Amendment will never have to be terminated. . . . It has been difficult to explain to the militant student or parent that it is a policy that we're looking for, and it takes repeated violations and a building up of a case against an institution that they do have a policy or practice of not conforming with the act" (pp. 146, 149).

One would have to conclude that the federal agencies (Department of Health, Education, and Welfare and Department of Education) responsible for administering the Buckley Amendment have been successful in implementing the philosophy

verbalized by Thomas McFee in 1976. There have been few (199) complaints lodged, and the office has not had to take any action against any agency as of August 28, 1984 (P. Ballinger, personal communication, August 28, 1984).

Statement of the Problem

One important feature of the Buckley Amendment is the provision that postsecondary students applying for employment or for further postsecondary education may choose to solicit either open or confidential letters of recommendation (Shaffer & Tomarelli, 1981). Open letters of recommendation are those from referees who know that their recommendations will be accessible to the student. Confidential letters are those that referees know will not be shared with the student. Confidential letters and recommendations placed in student files prior to January 1, 1975, are exempt from the inspection and review of the student. Unless the student has waived the right, those entered after January 1, 1975, are open to student review. The Buckley Amendment permits students to waive their right of examination but such waiver may not be required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from the institution. This waiver must be given by the student himself and not by the parent. The waiver provision has given rise to debate in the education profession as to the value of an open placement file when compared to a confidential placement file.

The mandate to higher education institutions to implement the provisions of the Buckley Amendment was of serious nature and provided sudden impact on institutional policies and procedures. Some felt radical adjustments were necessary while others concluded, as did Ronald Bowker (1975), Registrar and Admissions Officer, University of California, that it wouldn't be anything too radically different from what had been done previously. University officials had to blend personal philosophical positions, relative to what they felt was in the best interest of the student, with the realities of the requirements of the Buckley Amendment to generate policies and procedures for their institutions. The dilemma of the debate throughout the profession relative to the value of an open placement file versus a confidential placement file had a subtle influence on many such decisions relative to policy and procedure. An analysis of this scenario and its consequences was the focus of study for this research project.

The detailed objectives of this study were:

1. To determine what options the placement candidates have relative to using either open or confidential letters of recommendation.

2. To determine what options the placement candidates have relative to the selection of student teaching and/or other evaluations for inclusion in their placement files.

3. To determine what effort, if any, is made by the university placement bureau to influence placement candidates' decisions relative to types of recommendations included in their placement files.

4. To determine what type of institutional policies and procedures have been established by higher education institutions to deal with Buckley guidelines affecting placement bureaus. Areas of examination included:

   a. disclosure of records (to placement candidate and/or others),

   b. placement candidate challenge of record contents, and

   c. written institutional policy, its existence, distribution, and content.

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5. To determine how students typically react when reading their own open recommendations and what degree of difficulty this procedure has posed for placement bureaus.

6. To determine what effect, if any, the Buckley Amendment has had on the content of recommendations. Factors examined included:

a. preference for open or confidential recommendations of placement candiates, placement directors, and employing officials;

b. level of value or confidence placed in open versus confidential recommendations by placement directors and employing officials;

c. the effect which the Buckley Ammendment has had on individuals' writing recommendations, in terms of both willingness to write and the content of what is written; and

d. changes made in recommendation forms as a result of Buckley.

7. To determine procedures used by employing school districts for obtaining information, including recommendations, relative to potential employees.

8. To determine what type (and source) of information is most highly valued by employing school districts.

Delimitations of the Study

There has been no effort to explore other student rights respecting education records outside of the Buckley Amendment. Prior to Buckley there were no consistent regulations concerning student records. Some other laws that impinge on this area include the First and Fourteenth Amendments, the Freedom of Information Act, and Title IX dealing with sex discrimination.

Twenty-four states did have some type of regulations concerning student records. In the *Maria P. v. Riles* case (1975), the Supreme Court found a conflict between the state law of California and the Buckley Amendment. It found the California statute was incompatible and needed to be changed (Groves & Groves, 1981). The AACRAO guide (FERPA Task Force, 1984) notes that the Buckley Amendment is more permissive than the privacy laws of some states. If a conflict exists between the Buckley Amendment and state or local law and if an institution determines that it cannot comply with the requirements of the act, it shall so advise the Family Educational Rights and Privacy Office of the Department of Education. The Buckley guidelines, therefore, should not be interpreted to reduce the stringency of such state laws.

The data utilized in this study were generated by two different questionnaires mailed to selected individuals and/or institutions. One questionnaire was mailed to all college and university members of the National Association for School, College and University Staffing. The data generated by this questionnaire was thus delimited to membership of the National ASCUS organization.

Limitations of the Study

Since the data utilized in this study were taken from questionnaires, normal human errors could have been made in completing the questionnaires. Some respondents might have interpreted items differently and/or had incomplete or inaccurate information relative to the data sought by the questionnaire. No effort was made to verify data compiled from the questionnaires outside of the questionnaire itself. However, some inconsistencies in responses to items within

the questionnaire were adjusted through the computer analysis of the data. These adjustments are identified and reported in the chapter on analysis of data.

Significance of the Study

Gluckman (1983) noted in an NASSP article that legislatures and the public at large are aware of, and concerned with, the need to collect and transmit school records containing personal information about pupils to appropriate persons if the public purposes of education are to be accomplished. He felt the Buckley Amendment had two major objectives: assuring students and their parents access to their education records and prevention of improper dissemination of theses records without the consent, or at least the knowledge, of the student or parent concerned.

The challenge becomes one of achieving the objectives of the Buckley Amendment and yet at the same time maintaining school records that have value. This study focused on how different types of recommendation forms affect the quality and usefulness of the dossiers of placement candidates for employment. Shaffer, Mays, and Etheridge (1976) predicted that a person who reads a favorable letter from an open file may perceive at least two causes for the letter's favorable content: (a) the favorable character or competencies of the candidate or (b) the possible reluctance of the referee to disclose anything unfavorable, since the candidate has access to the letter. The research of Shaffer et al. supported the hypothesis that people used as judges who assume the role of prospective employers favor the job candidacy of persons who select confidential recommendations as opposed to open files. However, they conclude there is no assurance that actual job recruiters would favor candidates with confidential files and that further research on the question should be carefully considered as it becomes available.

This study sought quantifiable, documented information associated with the use of open and confidential recommendations. It also sought information concerning the means utilized by higher education institutions to operationalize the Buckley Amendment (which requires the availability of open recommendations to the placement candidate).

The information generated by this study should provide higher education institutions with ideas relative to means for and implications of implementing the Buckley Amendment. It should provide factual data to help justify decisions relative to approaches in advising and/or informing placement candidates about recommendation forms.

The onslaught of the "computer age" has greatly increased the need for legislation to provide defensible guidelines for decisions made relative to policy and procedures for handling student records. The ease of transmission and rapid accessibility of such information could easily lead to distortion of the privacy rights of the individual. The Buckley Amendment very likely headed off much litigation in the area of professional discretion and personal liability. Groves and Groves (1981) note other laws that impinge on this area are the First and Fourteenth Amendments, the Freedom of Information Act, and, in a few cases, Title IX, dealing with sex discrimination. They point out that the Buckley Amendment is good because it is based upon previous litigation and provides an administrative process for the resolution of conflict. This research study provides quantifiable evidence relative to both the success and level of acceptance of the Buckley Amendment. The study will also provide some insight as to how much need exists for distribution of information concerning the Buckley Amendment so as to assist higher education institutions that

may be in the process of establishing or revising policies and procedures for implementation of the Buckley Amendment.

Definitions

Recommendations

Recommendations covered by the Buckley Amendment include only those created relative to the experience of the individual as a student of the higher education institution. Recommendations relating to either pre- or post-university (or college) experience of the placement candidate are not covered by Buckley (U.S. Department of Education, 1980). For example, a recommendation written relative to job performance in the first year of teaching—after graduation—would not be covered by Buckley. Student teaching recommendations would, however, be subject to the Buckley guidelines. An interesting consequence of this Buckley guideline is the fact that an institution could easily have an employee who is also a student. Recommendations related to the individual as an employee are not covered while recommendations related to the individual as a student are covered by Buckley (Bowker, 1975).

Open Recommendation. Any recommendation written after January 1, 1975, to which the placement candidate has not waived the right of inspection and review.

Confidential Recommendation. Recommendations written after January 1, 1975, to which the placement candidate has waived the right of inspection and review. Such recommendations must (a) have been solicited with a written assurance of confidentiality or sent and retained with a documented understanding of confidentiality* and (b) be used only for the purposes for which they were specifically intended.

Disclosure

Permitting access to or release, transfer, or other communication of education records of the student or any personally identifiable information contained therein, orally, in writing, or by electronic or any other means to any party is considered disclosure.

Higher Education Institutions

Those institutions covered by the guidelines of the Buckley Amendment are those to which funds are made available under any federal program for which the Secretary of the U.S. Department of Education has administrative responsibility, as specified by law or by delegation of authority pursuant to law.

Superintendent

The term *superintendent* is used in this study to refer to those individuals who returned questionnaires in our survey of school districts. The questionnaires were addressed to the superintendent of the district. However, the questionnaire was accompanied by a letter requesting the individual charged with the primary responsibility for employing teachers to respond to the questionnaire.

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* The FERPA Office, U.S. Department of Education, is presently considering seeking the deletion of this section.

CHAPTER 2

REVIEW OF RELATED LITERATURE

The Family Education Rights and Privacy Act (FERPA) of 1974 evoked an enormous written reaction. The following sampling was chosen to present several chronological tableaux illustrating the educational concerns prior to, during, and following the enactment of this legislation.

Forerunners

Mark A. Kadzielski (1977) wrote that FERPA is best seen in the context of its predecessor, the Freedom of Information Act of 1967. The purpose of the 1967 act was to assure public access to all government records whose disclosure would not harm specific government interest.

Litigation in federal courts under this act began to increase, serving to clarify its limits. Then, in 1974, FERPA extended that concept to all federally-funded educational institutions.

Groves and Groves (1981) indicated that prior to FERPA twenty-four states had adopted some form of regulation concerning student records. These regulations were based on common law and showed no consistency. They did usually address themselves, though, to three issues: (a) parents' and students' access to records, (b) challenge of the records' contents, and (c) the use of information within the records. These became the bases of Buckley's amendment. Groves and Groves also identified a number of legal cases that became precedents for the Buckley Amendment.

In *Van Allen v. McCleary* (1961), parents and students were shown to have the right to inspect school records. This case placed a heavy burden upon the agency to show that inspection is inappropriate in the circumstances under litigation.

In *Vought v. Van Buren Public Schools* (1969), parents and students were judged to have the right to due process conducted in a fair manner and with a record of the hearing placed with the additional documents.

Mills v. Board of Education (1972) gave parents and students the right of notification, due process to see records, and hearing of rationale for a school's decision to place a student in a special program.

In *Hatter v. Los Angeles City Schools* (1971), students were given the right to have disciplinary actions removed from their records if these records were judged to have future negative ramifications upon their lives.

Marilyn H. Cutler (1975) suggested that the Amendment of 1974 is technically an extension of and an amendment to the Elementary and Secondary Education Act of 1965. At this time the federal government began to supply large sums of monies for local school districts. This gave FERPA muscle to enforce uniform regulations in all the state educational agencies receiving federal funds.

In 1969 Burns and Carnes spoke of growing pressures to have confidentiality of academic rating and recommendations removed. For years they reported this issue had been the subject of heated discussions at national and regional educational placement meetings.

They also reported a study completed in 1966-67 which proposed to determine if a loss of confidentiality would actually damage the efficacy of recommendations concerning teacher candidates. With the cooperation of the California Educational

Placement Association, 1,000 letters were collected from three college placement offices; half were confidential and half non-confidential. Each letter was checked for the presence or absence of three objective measurements of value: (a) superlative statements, (b) qualifying statements, and (c) descriptions of a critical incident. The letters were then further evaluated by a panel of judges on "promise as a teacher" and "effectiveness in evaluating this person as a teacher" (p. 370). They concluded that there was no basis for believing that non-confidential recommendations would be less effective in describing potential promise of a teacher candidate. Furthermore, they recommended that teacher education institutions explore the possibility that open discussion of recommendations may be more beneficial to the candidate.

Legislative Action

Groves and Groves (1981) in succinct manner described the passage of the Buckley Amendment. It "has an unusual origin because the amendment was never exposed to public hearing or to Senate or House committees, but rather attached to another educational bill on the Senate floor. The law was enacted on August 21, 1974, and took effect on November 19, 1974" (p. 336).

The "unusual origin" was described in more detail in "Washington Report" of the *American School Board Journal* (1975). It offered a bit of the humor and intrigue that sometimes seems to surround legislative action.

Prior to Senator James L. Buckley's introduction of the amendment in the Senate, Representative Jack F. Kemp introduced two separate amendments in the House which were accepted without debate or even so much as a recorded vote. The first amendment insisted that schools may not interfere with the rights of the parents in any way. The second amendment provided that "no child may participate in an experimental program or project if the parents of that child object to such participation in writing" (p. 51).

Buckley's proposals were printed in advance, but the complete form never got to fellow senators for study prior to its introduction on the Senate floor. After a short discussion, the amendment was passed by an unrecorded voice vote. The only section that was thrown out would have required parental permission for routine school testing.

A ranking member of the Senate Education Subcommittee, Jacob K. Javits, counseled senators to refine the amendment's rough spots during subsequent Senate-House Conference Committee meetings. Instead, the Committee agreed to accept the Buckley Amendment in toto as approved by the Senate.

Woodward (1975) identifies the first changes as coming from Buckley himself and from Senator Claiborn Pell. An amendment to the amendment was signed by President Gerald Ford on December 31, 1974. Then on January 6, 1975, HEW issued proposed regulations that further helped explain the law.

The American Association of Collegiate Registrars and Admissions Officers' "A Guide to Postsecondary Institutions" (FERPA Task Force, 1976) further elaborates on proposed regulations. During a period of public comment extending from January 6, 1975, to March 7, 1975, a total of 231 letters of comment were received and given consideration. The revised regulations were than published on March 2, 1976, and became effective on June 17, 1976.

Later, HEW called for further comments from educational agencies and institutions and from the general public following the 1975-1976 school year. This

period of "further comments" lasted for a period of ninety days commencing on July 1, 1977. Of specific interest were views as to whether more appropriate means of enforcement might be found in place of the institutional funds cutoff.

After the U.S. Department of Education was established, it issued the slightly modified final regulations (basically changing the authority for implementing FERPA from H.E.W. to the Department of Education) in the *Federal Register* on May 9, 1980.

Reactions to Legislation

Initial concern centered on the November 19 date after which the amendment would be in effect. With the prospects of open viewing of student records, any material in school records that might be unsubstantiated or in any way damaging to the educational institution involved would need to be purged.

Professional journals left little doubt as to this necessity. Walden (1975), writing in the *National Elementary Principal* after reviewing some of the questions being raised concerning the amendment, suggested that school administrators were being advised to review all student records and purge them of any material that might be misinterpreted or detrimental to the student.

Chester Nolte (1977), a foremost authority on school law in this country, referred to the time as the "big purge." Counselors were in the forefront removing "anything that contained unsubstantiated teacher opinions or language that tended to categorize or label a youngster" (p. 38).

Barbara L. Woodward (1975), in one of her cogent critiques of the amendment, reported that colleges were purging their files of confidential recommendations after the student had been accepted but prior to matriculation. She quotes Senator Thomas J. McIntyre as saying on the Senate floor, "the Act's purposes are best achieved when fewer records are kept and used" (p. 22).

Addressing this new caution concerning student records, Max S. Marshall (1975), a science teacher, encouraged teachers to "keep a double set of books" (p. 48). Official records used when transferring to other schools or gaining admission to college should accurately include successes and failures. Private records, though, must be the inviolately personal property of each teacher and should be interpreted and dispensed in part or in whole to legitimate inquiries on a selective basis. It remains, indeed, the teacher's professional responsibility to communicate "available and pertinent information—discreetly matched to the inquirer and the occasion . . ." (p. 48).

Groves and Groves (1981) postured a somewhat more cautious approach. Because the evaluation has a sustained impact upon students throughout their lives and because many instances have caused liability suits against educators, a more quantitative framework must be secured for evaluations.

Against the backdrop of this new teacher tightrope, George Kavina (1975) offered six guidelines to improved pupil record keeping. They were somewhat general in nature and seemed to be in keeping with the spirit of the Buckley Amendment. In much greater detail, Wayne W. Glass (1977) offered sixteen steps for safe record keeping and additional sample letters and record forms.

With more skeptical caution, *Instructor* (Landsmann, 1975) magazine fielded the question of a concerned teacher of pupils with a wide range of emotional problems. When these students confided in the teacher concerning intimate things

which they wanted kept secret, should or must a teacher at some time tell something?

Russell Getson and Robert Schweid (1976) addressed this dilemma in more detail. Suppose a child had been abused in some manner or ways by a parent or guardian. Should the minor child's reports of abuse become the property of emotionally disturbed and dangerous parents or guardians? Making all records available to the parents would deny rights of privacy to the counselee. Yet, to deny such access would be in violation of federal statute.

In one fell swoop FERPA solved all of these problems for postsecondary students. These students were asked to forfeit their right to inspect and review recommendations; only a signature was needed. This waiver became the most popular subject for research in the amendment. Scholars are still trying to determine if it is a stroke of genius or the sword of Damocles.

Ivan B. Gluckman (1983) clearly pointed out that postsecondary institutions may request, but not require, the waiver as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from the institution.

Two studies were completed within the University of Georgia. Shaffer and Tomarelli (1981) applied this dilemma to graduate admissions. Shaffer, Mays, and Etheridge (1976) compared open and confidential files with regards to employment. They both concluded that placement offices tended to encourage confidential files to a greater degree than actual job recruiters seemed to request them. Nevertheless, after considering the pros and cons of each option, they concluded that open files produced increasingly bland and less useful letters of recommendation. Furthermore, they suggested that when a person reads such a recommendation, one of two judgments is made: It describes either a favorable candidate or a reluctant referee.

In 1982 a very interesting study, funded by the Association for School, College and University Staffing, was done by Lewis and Korschgen. This study was limited to 192 secondary schools within the state of Wisconsin. They concluded that there were no significant differences in the way hiring officials responded to confidential, non-confidential, or non-descriptive recommendations. Also of interest was the evidence in their survey of prior studies that indicated a strong preference (7 or 9 post-Buckley studies) for confidential evaluations. A closer look revealed that recent studies indicated that more and more employers were found to be undecided or having no preference for confidential over non-confidential evaluations.

Two other early studies were noteworthy. Voorhies in 1975 found that a majority of employers preferred that educational placement offices continue using confidential letters. This survey was limited to the principal hiring officials in 442 school districts—65 percent, or 289, being in Indiana. A 32 percent rate of return was received. Nason in 1976 surveyed 17 individuals representing either college placement offices or school personnel divisions throughout Indiana. The survey covered seven areas of concern, one of which was confidentiality of credentials. He included fourteen separate replies, one of which offered a simple solution: "One must check references by telephone now" (p. 4).

Finally, two extensive documents were published to serve a definitive role in the implementation of the Buckley Amendment. They both seem to be worthy of serious study. A report by the American Bar Association, *Law Enforcement Information and the Family Educational Rights and Privacy Act* (Langrock, n.d.), had as its primary purpose an examination of FERPA's effect on the flow of information between institutions of higher learning and law enforcement agencies. AACRAO (FERPA, 1984) also published the most recent revision of *A Guide to Postsecondary*

Institutions for Implementation of the Family Educational Rights and Privacy Act of 1974 as Amended. Its purpose was to provide guidance to postsecondary institutions for implementation and compliance with FERPA. The appendix of this guide includes sample forms and the "final regulations" of 1980.

CHAPTER 3

RESEARCH DESIGN

Data utilized in this study were compiled from the responses received on two questionnaires. The first questionnaire was "A National Study of the Current Status of Policies and Procedures of Teacher Placement Bureaus Relative to the Administration of the Buckley Amendment" (see Appendix A). This questionnaire was mailed to all higher education institution members of the Association for School, College, and University Staffing, which has headquarters in Madison, WI. There were 511 questionnaires mailed and 327 returned, for a 65 percent rate of return.

The second questionnaire was "A National Study of Attitudes and Reactions of Personnel Administrators Toward Open and Confidential Letters of Recommendations" (see Appendix B). These questionnaires were sent to the superintendents of a randomly selected group of school corporations from each state in the United States. The number selected for survey from each state was determined by dividing the population of each state by the population of the United States (U.S. Bureau of the Census, 1984) and multiplying this decimal by 750. A minimum of 6 school corporations was surveyed from each state. The list of school districts shown in *Patterson's American Education* (Moody, 1984) was used for selection of school districts to be surveyed. The districts in this list were divided into three groups according to pupil population of the district. The first group included school districts with 15,000 or higher pupil population, the second group from 3,000 to 15,000 pupils, and the third group fewer than 3,000 pupils. Then, using the table of random numbers from Edwards' *Statistical Methods for the Behavioral Sciences* (1954), school districts (1/3 from each size-grouping in each state) were selected for the survey. An exception was that all school districts in the state of Indiana were surveyed. However, only a sample of Indiana school corporations—comparable to that for other states—was used for computation of national data in this study. A total of 1,114 questionnaires were mailed. Seven hundred fourteen were returned for a 64.1 percent rate of return.

In analyzing data for this study, questions from the questionnaires were used as guides for analysis of the results. The percentage of the respondents who chose each option for each question will be shown in the blanks provided for that option.

The chi-square test of significance was applied to every item where appropriate. In every case but one, the chi-square test was significant at the .01-or-better level of confidence. The one item where the chi-square statistic was not significant was Question IV.A.5—choice *A* of the questionnaires sent to placement directors. In cases where the chi-square was significant, it indicated that the null hypothesis was rejected. The null hypothesis asserted that there was no real difference in the number of responses to each option for that particular question. If the chi-square is significant, it indicates the difference in the number of responses to each option has resulted in a real difference, rather than a difference due to sampling fluctuation. At the .01 level of significance, there is only 1 chance in 100 that the difference is due to sampling fluctuation (Guilford, 1965).

The data collected for this study were analyzed using the mainframe computer system at Indiana State University. *The Statistical Package for the Social Sciences* (Nie, Hull, Jenkins, Steinbrenner, & Bent, 1975) was the system of computer programs utilized for the data analysis.

CHAPTER 4

ANALYSIS OF DATA

A National Study of the Current Status of Policies and Procedures of Teacher Placement Bureaus Relative to the Administration of the Buckley Amendment

Question I

I. Do evaluations of the student teaching experience become a part of the placement portfolio?

Supervising Classroom Teacher	50%	Yes	10%	No	35%	Candidate's Option
University Supervisor	46%	Yes	11%	No	40%	Candidate's Option

Analysis for Question I

Approximately 50 percent of all student teaching evaluations (from both the university supervisor and the supervising classroom teacher) automatically become a part of the placement portfolio; about 10 percent do not. In around 40 percent of the cases, it is the candidate's option whether to include student teaching evaluations in the portfolio.

Question II.A

II. In an analysis of the system you use to cope with the confidentiality aspect of letters of recommendation, please react to the following:

A. Are candidates given the option of selecting either open letters of recommendation or confidential letters of recommendation?

1. Student Teaching Evaluations				
a. Supervising Classroom Teacher	64%	Yes	30%	No
b. University Supervisor	67%	Yes	27%	No
2. Professor Recommendation	87%	Yes	11%	No
3. Other	82%	Yes	9%	No

Analysis for Question II.A

In approximately two thirds of the cases, candidates may select either open or closed letters of recommendation from student teaching. However, they have this option for professor recommendations in 87 percent of the cases and for other recommendations in 82 percent of the cases.

Eighty-nine percent of the universities responding to the questionnaire permit an option of open recommendations for at least one of the four categories of recommendations (supervising classroom teacher, university supervisor, professor, or other).

The guidelines of the Buckley Amendment require educational institutions to permit individuals to inspect and review education records (i.e., permit open recommendations). Notable exceptions to this requirement are (a) confidential recommendations placed in the portfolio prior to January 1, 1975, (b) recommendations written pertaining to the accomplishments of alumni, and (c) recommendations to which the individual has waived his/her right to

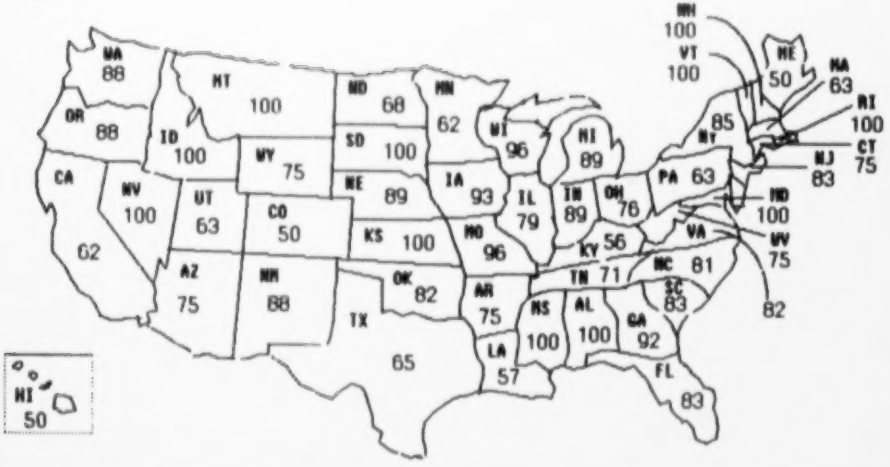
inspect and review. The consequences of these criteria mean that "confidential" recommendations written after January 1, 1975, may be inspected and reviewed by the placement candidate, unless he/she has waived that right. It also means recommendations written relative to performance on a job after graduation (such as of a principal or superintendent after the individual has been employed) are not covered by the requirements of Buckley (U.S. Department of Education, 1980, pp. 30912-30914).

Analysis for Question II.A with Data Derived by State

The data relating to Question II were broken down into data for each state. The results are shown in Table 1 and Figure 1. It should be recognized that no attempt was made in this study to actually have a representative sample from *every* state. However, many states do likely have representative samples, although some are small. The total data by state, however, should be viewed only as providing some insight into a specifically selected sample of higher education institutions—ASCUS organization members. The major objective of this study was to have a representative *national* sample.

In actual fact the size of the sample from each state is proportional to the size of the state (based on the population of the states). The Pearson coefficient of correlation is .75 when comparing the size of each sample to the population of each state. This coefficient is statistically significant at the .01 level of confidence.

Figure 1.



The Percentages of Higher Education Institutions in Each State Which Permit Candidates for Teacher Placement the Option of Having Either Open or Confidential Letters of Recommendation in Their Placement Office Files.

Table 1. The Percentages of Higher Education Institutions in Each State Which Permit Candidates for Teacher Placement the Option of Having Either Open or Confidential Letters of Recommendation in Their Placement Office Files.

State	Number of Placement Offices Responding	%* of Recommendation Categories in Which Institutions Provide an Option of Either Open or Confidential Recommendations			State
Alaska	0		100	3	Montana
Alabama	2	100	89	7	Nebraska
Arizona	3	75	100	1	Nevada
Arkansas	3	75	100	1	New Hampshire
California	19	62	83	3	New Jersey
Colorado	3	50	88	4	New Mexico
Connecticut	2	75	85	21	New York
Delaware	0		81	6	North Carolina
Florida	3	83	68	5	North Dakota
Georgia	6	92	76	20	Ohio
Hawaii	1	50	82	5	Oklahoma
Idaho	2	100	88	2	Oregon
Illinois	17	79	63	18	Pennsylvania
Indiana	17	89	100	1	Rhode Island
Iowa	11	93	83	3	South Carolina
Kansas	7	100	100	4	South Dakota
Kentucky	4	56	71	6	Tennessee
Louisiana	2	57	65	19	Texas
Maine	2	50	63	4	Utah
Maryland	5	100	100	1	Vermont
Massachusetts	9	63	82	5	Virginia
Michigan	5	89	88	4	Washington
Minnesota	13	62	75	2	West Virginia
Mississippi	2	100	96	15	Wisconsin
Missouri	17	96	75	1	Wyoming

*The percentage is computed by using the average of the number of higher education institutions providing the option of either open or confidential recommendations from (a) the supervising classroom teacher, (b) the university supervisor, (c) professors, and (d) other. Each of the categories—a, b, c, and d—is considered separately and the four are then averaged to determine the percentage for each institution providing an option of either open or confidential recommendations (i.e., if an institution provided the option in categories a and b, but not in categories c and d, a figure of 50% would be used for that institution in determining the average for the state as a whole).

Generalizations Based on an Analysis of Table 1 and Figure 1

1. At least 50 percent of the surveyed higher education institutions in every state which returned questionnaires (48 states) provide an option of either open or closed recommendations to their placement candidates. Only five states have percentages in the 50s, seven in the 60s, and eight in the 70s. Twenty-eight of the states represented (58%) had percentages of 81 or higher.

2. The Midwest states have percentages from 76 to 96.

3. The southeast geographic area bounded by Tennessee, Virginia, and Mississippi have percentages of from 71 to 100.

4. No general set of patterns which would include the entire United States geographically appears to be detectable.

Question II.B and C

II.B. If the answer to A is yes in any category, do the candidates choosing confidential letters sign a blanket waiver to cover all letters of recommendation, or do they sign a waiver on each individual recommendation form?

50% Blanket 49% Individual

C. If the answer to B is the individual form, can a candidate choose to have some recommendations open while opting to have others confidential?

70% Yes (may have a mixture of open and confidential)

30% No (all must be either open or confidential)

Analysis for Question II.B and C

In allowing candidates to waive their rights to see the recommendations, blanket waivers are used by placement offices almost equally with individual waivers (50% and 49%). These figures are computed using only those cases where the respondent in fact did indicate in Question II.A of the questionnaire that open recommendations were used. Slightly lower figures (45% and 43%) are found when using all responses to this question together with the total number of respondents to the questionnaire for the calculation. Where the individual waiver on each recommendation form is used, 70 percent of placement offices permit a mixture of both open and closed recommendations, while 30 percent require all to be either open or closed. These figures are arrived at by taking the number who responded to the *Individual* choice on Question II.B and computing the percent of those who then responded to each option for Question II.C.

Buckley guidelines provide that an individual may waive his right "to inspect and review either individual documents or classes of documents" (i.e., individual or blanket waivers) (FERPA, 1984, p. 15).

Question II.D and E

II.D. Are prospective employers informed as to whether letters of recommendation are secured under open or confidential status?

80% Yes 16% No

E. If the answer to A is yes in any category, what percent of your candidates choose open as opposed to confidential letters of recommendation (please give either estimate or, if available, hard data)?

39% Open 55% Confidential

Are these figures estimate or hard data?

77% Estimate 10% Hard Data

Analysis for Question II.D and E

Eighty percent of employers are informed as to whether letters of recommendation are secured under open or confidential status.

When using all responses as recorded on the questionnaire, the placement directors who checked a response to Question II.E indicated that 48 percent of their candidates choose confidential recommendations, while 37 percent of their candidates choose open recommendations. The directions for responding to this question indicate that Question II.E should be answered only if candidates are given a choice of open or confidential recommendations. When selecting out the responses of the placement directors who also indicate in Question II.A that their candidates have a choice of either open or confidential recommendations, a different percentage is found. For these respondents, 55 percent indicate their candidates choose confidential recommendations and 39 percent of their candidates choose open recommendations. These two percentages are an average of the percentages found using the four subgroups in the total sample of respondents in this study for Question II.A. The four subgroups are those who indicated candidates may choose between either open or confidential letters of recommendation from (a) supervising classroom teachers, (b) university supervisors, (c) professors, or (d) others. The placement directors indicate that these figures are based on estimates in 77 percent of the cases, while 10 percent of the directors have hard data to support their figures.

Figures showing what percent of candidates in each state choose open recommendations as perceived by placement directors can be found in Table 2 and Figure 2. All the percentages shown in Table 2 are based on the arithmetic average for those institutions which actually responded to the item yielding the data. For example, if 7 questionnaires were returned from a state, but only 5 responded to item A, the percentage shown in Table 2 for item A for that state would be the total of the 5 responses divided by 5, whereas the number of respondents would be 7.

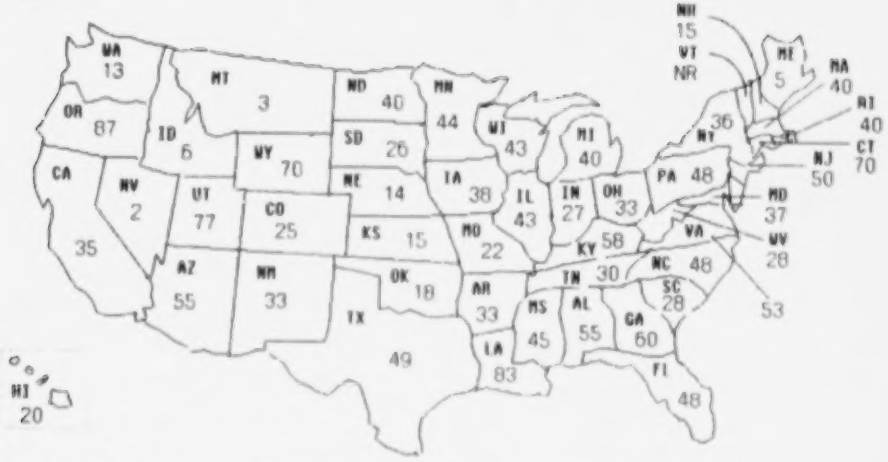
The Buckley Amendment specifies that education records (i.e., placement files) may be disclosed "only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without prior written consent" of the student (i.e., placement candidate) or the parent of a dependent child (U.S. Department of Education, 1980, p. 30916). **Buckley does not speak to the question of informing potential employers of whether letters of recommendation are secured under open or confidential status.**

There may be some advantages (in terms of having accurate records of actions taken concerning a placement candidate's file) in informing employers of whether recommendations are open or confidential. However, it seems the decision to inform (or not to inform) employers of such status of recommendations must be made on the basis of the perceived effect of such information. Does it add to the validity of the information in the recommendation? Does it influence attitudes toward a potential candidate because he/she chose either open or closed recommendations? These are the types of questions one must answer in deciding this policy.

Table 2. Data by State.

State	Number of Respondents	Percentage of Candidates Choosing Open Files	Percentage of Institutions Informing Candidates on Choices	Percentage of Institutions Trying to Influence Decision	Percentage of Influencing Institutions Encouraging Confidential Files
Alabama	2	55.0	50	0	0
Arizona	3	55.3	100	67	50
Arkansas	3	33.3	100	67	100
California	19	34.6	87	36	38
Colorado	3	25.0	100	0	0
Connecticut	2	69.5	100	0	0
Florida	3	48.3	100	33	0
Georgia	6	59.7	83	17	100
Hawaii	1	20.0	100	100	100
Idaho	2	6.0	100	100	100
Illinois	17	42.9	87	20	75
Indiana	17	26.5	100	33	100
Iowa	11	37.8	100	45	100
Kansas	7	14.7	100	20	100
Kentucky	4	57.5	100	25	100
Louisiana	2	82.5	100	0	100
Maine	2	5.0	100	100	100
Maryland	5	37.0	100	0	0
Massachusetts	9	40.3	83	0	100
Michigan	5	40.0	100	40	50
Minnesota	13	44.4	78	44	40
Mississippi	2	45.0	100	0	100
Missouri	17	21.8	88	41	100
Montana	3	3.0	100	33	100
Nebraska	7	14.1	100	14	50
Nevada	1	2.0	100	0	0
New Hampshire	1	15.0	100	0	100
New Jersey	3	49.7	100	0	0
New Mexico	4	32.5	100	33	100
New York	21	36.1	94	35	83
North Carolina	6	47.8	100	25	100
North Dakota	5	40.4	100	0	100
Ohio	20	32.8	83	12	100
Oklahoma	5	18.0	75	50	100
Oregon	2	87.0	100	100	0
Pennsylvania	18	47.9	92	8	0
Rhode Island	1	40.0	100	0	0
South Carolina	3	28.3	67	67	100
South Dakota	4	25.8	100	33	100
Tennessee	6	29.7	80	25	100
Texas	19	48.5	94	27	67
Utah	4	77.0	100	33	0
Vermont	1	NR	100	0	0
Virginia	5	53.4	100	60	67
Washington	4	13.3	75	0	100
West Virginia	2	27.5	100	50	100
Wisconsin	15	42.7	93	25	75
Wyoming	1	70.0	100	0	0

Figure 2.



Rounded Percentages of Candidates Who Choose to Use Open Letters of Recommendation, as Perceived by Teacher Placement Offices in Each State.

Generalizations Based on an Analysis of Table 2 (Column 2) and Figure 2

1. Those states with a percentage of 18 or less are in the west or extreme northeast. They are Maine and New Hampshire in the northeast and Montana, Idaho, Washington, Nevada, Nebraska, Kansas, and Oklahoma from west of the Mississippi. Next in line are Missouri at 22 percent and Indiana at 27 percent.

2. When looking at the 8 largest states in terms of population—in order of size by population: California, New York, Texas, Pennsylvania, Illinois, Ohio, Florida, and Michigan (U.S. Bureau of the Census, 1984)—all had percentages in the range of 33 to 49. This is close to the national average (of the total sample of all universities included in the study) of 39 percent who choose open as opposed to confidential recommendations. The six largest states in population were also the states from which we had the six largest samples.

3. Those states where a very high rounded percentage of candidates choose open recommendations (from 70 to 87%) are scattered geographically across the country. They include Connecticut, Louisiana, Oregon, Utah, and Wyoming. It perhaps should be noted that all these states had small samples (either 1, 2, or 4 questionnaires).

Question III.A

III. If candidates are given the option of choosing either open or confidential letters of recommendation:

A. Is any effort extended by the placement bureau either to influence their decision (i.e., to point out the advantages of either open or confidential recommendations from your perspective) or to inform the candidates of the advantages and disadvantages of both open and confidential recommendations?

1. Influence his/her decision 26% Yes 65% No

2. Inform candidate of advantages and disadvantages 90% Yes 8% No

Analysis for Question III.A

Placement directors in general feel it is their obligation to inform placement candidates of the advantages and disadvantages of both open and confidential letters of recommendation. When selecting only the responses of those who indicated elsewhere in the questionnaire that an option for open recommendations is provided to the placement candidate, 90 percent are found to inform the placement candidate of the advantages and disadvantages of both open and confidential recommendations. Of this same group, 25 percent attempt to influence the decision of the placement candidate to use either open or confidential recommendations. When all responses entered for these questions are used (in conjunction with the total number of respondents to the study) for the computation, slightly lower figures are found (81% inform and 24% attempt to influence).

The Buckley Amendment would not prevent higher education institutions from informing students of the advantages and/or disadvantages of either open or confidential recommendations. Buckley also would not prevent *appropriate* attempts to influence the decision of placement candidates. However, the following four guidelines of Buckley do address this issue:

a. that institutions *do not require* waivers.

b. that no institutional service be denied students who fail to supply waivers . . . .

c. that the documents to which students have waived the right of access are used only for the purposes for which collected . . . .

d. that the waivers are in writing and signed by the students . . . . (FERPA, 1984, p. 14–15)

Question III.B

III.B. If effort is made to influence the decision of the candidate:

1. Is the effort made formally by means of printed material distributed to candidates?

27% Yes 71% No

2. Is the effort made in conference with the candidate through verbal communication?

86% Yes 10% No

3. Are the candidates encouraged to use open or confidential recommendations?

20% Open 71% Confidential

Analysis for Question III.B

By responding to Question III.B, placement directors were indicating how and in what direction they try to influence the decision made by candidates relative to their choice of open or confidential recommendations. The directors should have responded to this item only if (a) candidates are given a choice of open or confidential recommendations and (b) the placement office attempts to influence the decision of the candidate toward the use of either open or confidential recommendations. When the responses are selected out for those placement directors who indicated in Question III.A.1 that they try to influence the candidate, the following results are obtained: (a) 27 percent of placement offices attempt to influence the candidate using printed material, while 71 percent do not use printed material; (b) 86 percent of placement offices attempt to influence the candidate using verbal communication, while 10 percent do not use verbal communication; and (c) 20 percent of the placement offices encourage the use of open recommendations, while 71 percent encourage the use of confidential recommendations.

When using the actual responses recorded for Question III.B in conjunction with the total number of survey respondents the percentages change: (a) 8 percent of the placement directors indicated they attempt to influence the decision of the candidate using printed material, while 32 percent do not use printed material for this purpose; (b) 34 percent of placement directors indicate they attempt to influence the candidate through verbal communication, while 9 percent do not use verbal means of influence; and (c) 9 percent indicate they attempt to influence the candidate to use open recommendations and 24 percent attempt to influence the candidate to use confidential recommendations.

Analysis for Questions III.A and III.B.3 with Data Derived by State

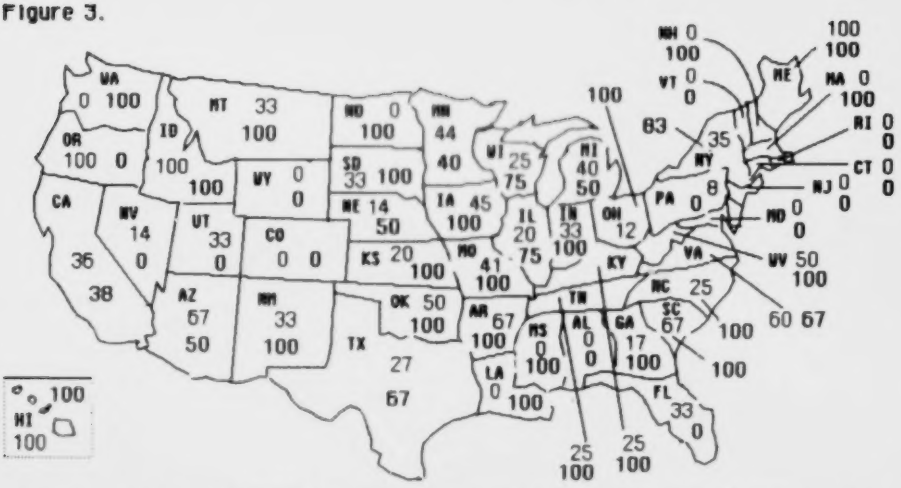
The data relating to Questions III.A.1 and 2 and III.B.3 have been broken down into data for each state. Table 2 and Figure 3 contain these data.

In analyzing the specific percentages reported in this table, it must be recognized that some who returned questionnaires did not respond to every question. The table indicates the total number who returned questionnaires, but any percentage is computed according to the average percentage of those who responded to any particular question.

Generalizations Based on an Analysis of Table 2 (Columns 3, 4, and 5) and Figure 3

1. The overwhelming majority of higher education institutions attempt to inform placement candidates of the advantages and disadvantages of both open and confidential recommendations. In 32 states every higher education institution attempts to so inform the placement candidate. In only one state which had responses to the survey did the number of institutions which inform the candidate drop to 50 percent.

Figure 3.



Percentages of Higher Education Institutions in Each State Which (a) Attempt to Influence the Decision of the Placement Candidate Concerning Open or Confidential Recommendations in the Placement File and (b) Attempt to Influence *and* Encourage the Use of Confidential Recommendations (in bold).

2. In ten states 50 percent or more of the higher education institutions attempt to influence the candidate to use either open or closed recommendations. In all ten states the number of higher education institutions involved in the state sample was small (5 or fewer). Coupled with the fact that only 24 percent of all respondents indicated an attempt is made to influence the decision of the placement candidate, one would conclude it is a practice used in only an isolated and limited number of circumstances.

3. The six coastal states of the Northeast from Maryland to New Hampshire plus Vermont, which responded, all indicated no attempt to influence the decision of the placement candidate to use either open or confidential recommendations.

4. In six states there were institutions which indicated they made no attempt to influence the decision of the candidate but indicated they attempt to influence the candidate to use confidential recommendations on a separate question. Perhaps this reveals that some feel it is wrong and wouldn't admit using the practice, although in actual fact they do attempt to influence the decision of the candidate. **There is nothing in the Buckley Amendment which would prevent the institution from attempting to influence the decision of the placement candidate.**

5. When attempts are made to influence the decision of the candidate, the majority of the higher education institutions in most states—with distinct exceptions—encourage the use of confidential recommendations. Placement officials at every higher education institution in this group in 25 states attempt to influence the placement candidate to use confidential recommendations. In 33 states 50 percent or more of these institutions encourage the use of confidential recommendations.

6. In 13 states every higher education institution surveyed encourages the use of open recommendations by placement candidates. Most notable among these would be Pennsylvania, where there were 18 higher education institutions included in the sample. Others, in order of sample size, would include Maryland, Utah, Florida, Colorado, New Jersey, Connecticut, Oregon, Alabama, Wyoming, Nevada, Rhode Island, and Vermont.

7. In the overwhelming majority of the states (38 out of 48 responding) every higher education institution within any particular state similarly encourages students to use the same type of recommendation—whether open or confidential.

Question IV.A.1 and 2

IV. If candidates are given the option of having either part of or all of their letters kept open and available for their inspection, please respond to the following items. If this option is not available to the candidate, skip these questions and go to item V.

A. When candidates read and discover recommendations with which they disagree, what options of action are then available to the candidate?

1. 4% None

2. If they wish, they may automatically have a recommendation removed from the file.

57% Yes 18% No

5% Depends on who wrote the evaluation (if this choice is checked, please explain briefly).

Analysis for Question IV.A.1 and 2

With only 4 percent indicating there are no options available to placement candidates who find evaluations with which they disagree, it is obviously a rare circumstance when no avenue of recourse is available to the candidates. In the majority of the cases (57%), they may simply have the recommendation removed from the file if they so desire.

In 5 percent of the cases the option to remove the evaluation depends on the specific type of recommendation. In 4 percent the student teaching recommendation cannot be removed; in .6 percent only personal, nonteaching-related recommendations may be removed; and in .3 percent of the cases only student teaching evaluations may be removed.

The Buckley Amendment does not provide details about required grievance and hearing procedures to be employed by institutions. However, it requires institutions to "have clear channels of appeal which (a) are stated in the written institutional policy, (b) involve disinterested institutional personnel, and (c) take" certain other provisions "of the regulations into account," such as providing the opportunity for a student to request a formal hearing for the purpose of challenging the content of a recommendation they "consider to be inaccurate, misleading, or otherwise in violation of their privacy or other rights" (FERPA, 1984, p. 18).

Question IV.A.3, 4, and 5

IV.A.3. They may challenge the content of the recommendation in conference with (check all that are appropriate):

46% a. A representative of the placement office.

29% b. A department chairman.

34% c. Their student teaching supervisor.

31% d. Other (please indicate who, if this item is appropriate).

4. If a response to number 3 is checked, is the candidate informed in writing of the decision of the conference referred to in item 3 above?

39% Yes 42% No

5. If a response to 3 is checked, what potential actions might occur as a result of the conference (check all that are appropriate)?

47% a. Recommendation removed from the file.

22% b. Recommendation altered.

33% c. The individual who wrote the recommendation contacted and encouraged to revise the recommendation (if recommendation was written by someone other than the person talking with the candidate).

32% d. Recommendation left as is.

30% e. Candidate may add a statement relative to the recommendation to the placement portfolio.

7% f. Other (please explain if checked).

Analysis for Question IV.A.3, 4, and 5

The data relating to these questions are found in Table 3. It should be noted that the data in Table 3 include data shown in the blanks for these questions plus much additional data derived by computer analysis.

The Buckley Amendment requires that

> . . . institutions must provide students with an opportunity to challenge the contents of their education records which the students consider to be inaccurate, misleading, or otherwise in violation of their privacy or other rights.
>
> Officials who receive challenge requests must decide within a reasonable period of time whether or not corrective action consistent with the students' requests will be taken. Students must be notified of the decisions. If the decisions are in agreement with the students' requests, the appropriate records must be amended [i.e., placement portfolios of placement candidates]. (FERPA, 1984, p. 18)

Buckley does not provide details about the mechanisms to be employed for meeting the requirements of the act. Of those options shown in Question IV.5 of the questionnaire, only the opportunity for the candidate to ultimately add a statement relative to a recommendation in a placement portfolio is specifically outlined in the Buckley Amendment.

Table 3. Percentage of Universities That Either Take Action or Permit Certain Actions to Occur as a Result of Placement Candidates' Challenging the Content of Open Recommendations with Various University Personnel.

Action	Percent of Total Sample in Study	Percent for All Universities Where a Challenge Is Permitted	Challenges Are Accepted and Processed By			
			Placement Office Representative	Department Chairman	Student Teaching Supervisor	Other
Candidate may challenge the content of a recommendation in conference with this individual	58	65	46	29	34	31
AS A RESULT OF CONFERENCE:						
A. A written decision of the university representative is provided to the candidate	23	39	42	42	44	39
B. The recommendation in question could potentially be removed from the file	47	77	82	85	77	73
C. The recommendation could potentially be altered	22	35	32	45	47	41
D. The individual who wrote the recommendation could potentially be contacted and encouraged to revise it	33	56	59	66	68	60
E. The recommendation could be left as is	32	53	57	57	61	57
F. The candidate may add a statement relative to the recommendation	30	50	57	53	61	54
G. Other	7	12	11	11	12	17
H. If the candidate is not satisfied with the results of the conference he/she may request a formal hearing	33	56	61	59	63	55

Generalizations Based on an Analysis of Table 3

1. Fifty-eight percent of all universities who returned a questionnaire indicate placement candidates may question the content of their recommendation with someone at the university. Sixty-five percent of those universities which permit placement candidates the option of open letters of recommendation permit the candidates to challenge the content of their recommendations with someone at the university. This challenge is most typically made with a placement office representative (46% of the time). However, in 29 percent of those universities who permit challenges, the challenge may be made with the department chairman and in 34 percent with the student teaching supervisor, while 31 percent permit challenges with some other university representative. In 79 percent of the cases (this figure is not shown in the table) where some other university representative conducts the conference, it is the same individual who originally wrote the recommendation. Consequently, in only rare instances would a conference challenging the content of a recommendation be held with anyone other than the person who wrote the recommendation, the student teacher supervisor, the department chairman, or a placement office representative.

2. The recommendation can potentially be removed from the file in 77 percent of those universities who provide the placement candidate the option of open recommendations.

3. Regardless of his/her role or position at the university, a university representative who conducts a conference with a placement candidate challenging the content of his/her recommendation has very few options available for potential action.

4. Although most universities conform to the guidelines of the Buckley Amendment for placement candidates who challenge the content of open recommendations, a substantial number of universities do not. **For example, 44 percent of these universities do not permit placement candidates to request a formal hearing if they are not satisfied with the results of their conference challenging the content of a recommendation. This opportunity is clearly a requirement of the Buckley Amendment.** However, in this regard it should be recognized that, as estimated by placement directors, only 3.2 percent of placement candidates find they have recommendations with which they disagree. It should be further noted that this table indicates that a number of options are available, in most cases, for the university representative conferring with a placement candidate. **These options are not required, in most cases, by the Buckley Amendment, but likely permit most legitimate concerns of placement candidates to be alleviated.**

5. In addition to the options shown in this table, some placement offices listed additional actions which might occur as a result of the conference. Six placement offices indicated that others besides the placement candidate may, in some cases, add an explanation or clarification to a recommendation. This would normally be the person who had conducted the conference with the placement candidate having challenged the contents of the recommendation. Such a person could be the director of teacher education, placement director, college supervisor, or some other person in a comparable position.

6. All percentages predictably increase when the responses are selected out for those who do in fact permit the placement candidate to have a choice of either open or closed recommendations. Although they do not permit the choice, some respondents entered a reply in these questions and, as would be expected, those

responses were mostly negative. This lowered the percentages derived when their responses were erroneously included in the computation. Consequently, those percentages under the first column of Table 3 are not as representative of the true picture as are those in the balance of the table.

Question IV.A.6, 7, and 8

IV.A.6. If the candidate is not satisfied with the results of the action taken in response to the conference with the individual checked in item number 3, may he/she request a formal hearing?

56% Yes 24% No

7. If the answer to number 6 is yes, who would conduct the hearing?

8. If the answer to number 6 is yes:

   a. Would the candidate receive a written statement summarizing the evidence and stating the reason for the decision reached in the hearing?

   80% Yes 5% No

   b. In cases where the decision is unsatisfactory to the student, is the student given opportunity to enter a statement commenting on the recommendation and/or to set forth a reason for disagreeing with the decision of the hearing panel?

   78% Yes 7% No

   c. In cases where the answer to b above is yes, are these statements included in the placement portfolio when it is provided to potential employers?

   70% Yes 14% No

Analysis for Question IV.A.6, 7, and 8

It is shown in Table 3 that 33 percent of the total respondents to this questionnaire indicated that placement candidates may request a formal hearing. However, this percentage increases when the responses are selected out for universities where placement candidates are given the option of open or confidential recommendations and where a challenge and conference is permitted. In these institutions 56 percent permit the placement candidates to request a formal hearing.

It is important to recognize that one major reason for many of the higher education institutions' indicating that a placement candidate may not request a formal hearing is that they have never had a placement candidate pursue such a line of action for lack of a felt need (or recognition of the possibility) on the part of the placement candidate. Many respondents to the survey firmly indicated consideration had never been given to the issue because they had never had the issue to deal with in terms of a student actually making such a request.

Those individuals who may conduct hearings, as indicated by placement offices responding to the survey, are shown in Table 4.

In analyzing the data in Table 4, the guidelines of the Buckley Amendment should be kept in mind. The Buckley Amendment provides that "hearings may be conducted by any party, including an official of the institution, provided such person does not have a direct interest in the outcome of the hearing" (FERPA, 1984, p. 19). **Naturally, the definition of "a person who does not have**

Table 4. Position or Type of Individuals Who Have the Responsibility of Conducting Hearings Relative to Placement Candidates' Challenges of Recommendations—As Indicated by Placement Directors of Higher Education Institutions.

Number	Position	Number	Position
19	Director of Teacher Placement	2	Dean of Education, Department Chair, and Director of Placement
12	Dean of Academic Affairs	1	University Official Without a Vested Interest
10	Dean, College of Education	1	Appeal Committee Appointed by Next Level Supervisor
5	Dept. Head or Asst. Dean	1	Appointed and Elected Faculty Appeals Committee
5	Hearing Officer Appointed by President of University	1	Teacher Placement Director and Ombudsman
4	Grievance Committee of School of Education	1	Teacher Education Committee, then Dean, then President
3	Affirmative Action Officer or Judicial Officer	1	Committee of 3, One a Student
2	Student Teaching Supervisor	1	Provost and Dean of Education
2	Academic Policies Committee	1	Chairperson of Academic Review Board
2	Has Not Been Determined	1	Registrar
2	Board Appointed by Director of Teacher Placement		
2	Faculty Committee		
2	Ombudsman		

a direct interest in the outcome" could give rise to some debate if a case of serious nature were to occur.

It is clear from Table 4 that the Director of Teacher Placement, the Dean of Academic Affairs, and the Dean of the College of Education are the individuals most often vested with the responsibility of conducting a hearing. The majority of the remaining individuals would be associated with the teacher education program of the institution in some capacity. Exceptions which are most obvious would include a hearing officer appointed by the president of the university, an affirmative action officer or judicial officer, an academic policies committee, an ombudsman, and the registrar.

When the responses of all survey participants were computed, 26 percent indicated the candidate would receive a written statement summarizing the evidence and stating the reason for the decision reached in the hearing. Twenty-six percent of this group also responded that if the decision is unsatisfactory to the

placement candidate, the placement candidate is given the opportunity to enter a statement commenting on the recommendation and/or to set forth a reason for disagreeing with the decision of the hearing panel. However, when these responses are selected out for those who indicate the placement candidate may have a formal hearing in the first place, much more realistic figures of 80 percent for the written statement summarizing the data and 78 percent for the candidate to enter a statement are found. Nineteen percent of the respondents to the questionnaire indicate these statements would be included in the placement portfolio when provided to potential employers. When selected out for those who actually give the placement candidate an opportunity to enter a statement commenting on the recommendation, the figure jumps to 70 percent.

The conclusion is drawn that those higher education institutions which are consciously following the Buckley guidelines requiring a mechanism permitting hearings also typically follow the guidelines for the follow-up hearing. They permit a student to enter a statement if he/she disagrees with the results of the hearing (80%), they enter the statement in the placement portfolio (78%), and they include it in the placement portfolio when provided to potential employers (70%), all of which are required by the Buckley Amendment (U.S. Department of Education, pp. 30914-30915).

Question IV.B

IV.B. What percent of the candidates who choose open letters of recommendation find evaluations with which they disagree (to the extent that they feel some action to remedy the existence or content of the recommendation is necessary)? Please give some response whether it is merely an estimate or hard data.

1. What percent find they have been given recommendations with which they disagree?

   3.3 Percent

2. This response is based on

   76% Estimate 8% Hard data

Analysis for Question IV.B

Placement directors are experiencing relatively few complaints from placement candidates challenging the content of their recommendations. In institutions which permit an option of open recommendations, placement directors feel 3.3 percent of the placement candidates may challenge the content of their recommendation. The overwhelming majority (76%) of the respondents were using estimates rather than hard fact (8%) in reporting this percentage. Although this percentage (3.3%) is quite small, it still probably indicates a need for the appeal mechanisms required by the Buckley Amendment (FERPA, 1984, p. 18).

Question IV.C, D, and E

IV.C. In your opinion, do prospective employers prefer and/or value open recommendations any differently from confidential recommendations?

1. Preference is for

   2% Open 56% Confidential 30% No preference

2. Place a higher level of value or confidence in

   1% Open 60% Confidential 27% Both the same

3. If you have evidence to support your position, please briefly indicate the nature of the evidence.

D. In your opinion, is there any difference in the actual quality (degree of objectivity and accuracy) of open recommendations as opposed to confidential recommendations?

   40% Yes 47% No

E. If your answer to D is yes, do you feel the quality of the open or the quality of the confidential recommendation is likely to be higher?

   7% Open 34% Confidential

Analysis for Question IV.C, D, and E

Placement directors were asked to indicate their perceptions of the preference (or lack of preference) for either open or confidential recommendations and the quality of open versus confidential recommendations. Questions elicited their perceptions on these two issues based on their own feelings and on how they believed employers stood on these two issues. The responses of the placement directors are shown in Table 5. Table 5 also shows how these responses compare to the actual policy of the university (in terms of whether the placement candidate is provided the option of choosing between open or confidential recommendations).

Data on the perceptions of placement directors relative to the preferences for and quality of open versus confidential recommendations will be broken down and shown for each state later in this chapter. It will be reported with and compared to data gathered from a questionnaire sent to superintendents of public school corporations. The questionnaire sent to superintendents has a representative sample from every state in the nation.

Responses to the survey show there is basically no difference between how placement directors view the preference of employers versus the type of recommendation employers feel has the higher level of quality. The Pearson coefficient of correlation for these two responses was .90. It is a significant correlation at the .01 level. On both questions placement directors feel the employers overwhelmingly prefer and value confidential recommendations over the open recommendations (56% and 60% to 2% and 1%). Placement directors concur in their own personal opinion with superintendents—though not quite by the same ratio (34% to 7%). The largest group of placement directors (47%) see no difference in the actual quality of open or confidential recommendations.

To the credit of the profession it should be remembered that contrary to their personal preferences (or their perception of employer preference) about the matter, 89 percent of higher education institutions permit placement candidates an option of open recommendations. This is in conformance with the Buckley requirements (U.S. Department of Education, p. 30913). None of the data in Table 5 changes appreciably as it is selected out for the data relating only to higher education institutions where a choice of open recommendations is permitted.

Table 5. A Comparison of Institution Policy and Placement Directors' Perceptions of the Merits of Open Versus Confidential Recommendations.

	Choice Permitted	Choice Not Permitted	
Institution Policy on Permitting the Placement Candidate Choice of Open or Confidential Recommendations	89%	11%	
	Open	Confidential	No Difference
Placement Directors' Perceptions of the Preference of Employers			
A. Total Group	2%	56%	30%
B. 89% Where a Choice Is Permitted	2%	61%	28%
C. 11% Where a Choice Is Not Permitted	1%	46%	35%
Placement Directors' Perceptions of Which Recommendation Employers Feel Has the Higher Quality			
A. Total Group	1%	60%	27%
B. 89% Where a Choice Is Permitted	1%	65%	24%
C. 11% Where a Choice Is Not Permitted	1%	49%	33%
Placement Directors' Personal Feelings on Which Recommendation Has the Higher Quality			
A. Total Group	7%	34%	47%
B. 89% Where a Choice Is Permitted	6%	36%	47%
C. 11% Where a Choice Is Not Permitted	11%	28%	43%

Questions IV.F, V, and VI

IV.F. Has the fact that the recommendation may be open to the examination of the candidate affected the willingness of individuals to write recommendations?

51% No effect 37% Less willing 1% More willing

V. Do you require the permission of the candidate to send his/her placement portfolio to prospective employers?

92% Yes 7% No

VI. If the answer to V is yes, do you receive a blanket permission statement for all prospective employers or separate permission statements for each prospective employer?

80% Blanket 16% Separate

Analysis for Questions IV.F, V, and VI

Less than the majority of the respondents to the survey (37%) indicated individuals were less willing to write recommendations since recommendations are now potentially open to the examination of the placement candidate. However, 37 percent of the respondents is a sizable number of the respondents and does indicate there has been a definite effect on the willingness of those who would potentially be writing recommendations. Also, those who write recommendations which are open for the inspection of the placement candidate possibly are influenced in what they write. This figure is based on those placement directors who indicated their higher education institution offers the placement candidate the option of having either open or confidential recommendations. When using all respondents to the survey, the less willing group is only slightly smaller at 34 percent.

As required by Buckley (FERPA, 1984, p. 16) (in most such instances—see Question VIII for an exception), 92 percent of the placement directors indicated the placement candidate's permission is required before his/her placement portfolio is sent to prospective employers. Seventy-six percent of all respondents obtain blanket permission statements to cover all such requests from employers for the placement portfolio of a specific placement candidate when using all responses to the survey for the analysis. This figure increases to 80 percent when computed based on those placement directors who indicated in Question V that permission of the candidate is required before sending the placement portfolio to prospective employers.

The Buckley Amendment requires that written consent to disclose personally identifiable information about a student "shall include . . . the party or class of parties to whom the disclosure may be made" (U.S. Department of Education, p. 30915). **Consequently, the use of blanket permission statements to cover all requests by potential employers for the placement portfolio of the placement candidate would seem to be consistent with Buckley guidelines.**

Question VII

VII. When a portfolio is requested, is a record kept of:

A. Who made the request?	93% Yes	5% No
B. The reason for information being requested?	63% Yes	32% No
C. When the request was made?	98% Yes	1% No
D. Instances when the request is granted?	90% Yes	4% No

Analysis for Question VII

All actions indicated by Question VII.A, B, C, and D are required by Buckley (FERPA, 1984, p. 16). The responses to Question VII indicate practically all higher education institutions comply with the Buckley guidelines for keeping records relative to requests for the portfolio of the placement candidate. The only instance where there is any indication of slippage in following the Buckley requirements was relative to a record of the reason the information was requested. Buckley clearly requires a record be kept of "the legitimate interests these parties had in requesting or obtaining the information" (U.S. Department of Education, p. 30916). Perhaps many teacher placement bureaus feel the reason for the portfolio request is obvious or could be assumed, although that could be an erroneous assumption in some instances.

Question VIII

VIII. Is the placement portfolio made available without the consent of the candidate to any of the following (who are not potential employers)?

A. Faculty members	8%	Yes	61%	No	28%	Selectively
B. Emergency Situations	6%	Yes	64%	No	22%	Selectively
C. Veterans Administration	2%	Yes	82%	No	8%	Selectively
D. Testing and accrediting organizations*	4%	Yes	83%	No	8%	Selectively
E. Parents of dependent students						
1. Open files	6%	Yes	78%	No	5%	Selectively
2. Confidential files	2%	Yes	80%	No	4%	Selectively
F. In response to judicial order or lawfully issued subpoena	43%	Yes	24%	No	14%	Selectively
G. Appropriate school or government officials	17%	Yes	42%	No	32%	Selectively
H. Other (please indicate who)	2%	Yes	32%	No	2%	Selectively

Analysis for Question VIII

The Buckley guidelines indicate that a higher education institution may disclose information from student records to all but one of the categories of individuals or organizations listed in Question VIII *without the consent of the student* with legitimate justification or purpose (U.S. Department of Education, p. 30915). The Veterans Administration is the one exception, and it accrues this same authority from Public Law 94502. Those circumstances where the higher education institutions are exercising this option are primarily in response to judicial order or lawfully issued subpoena—where 57 percent of those surveyed either automatically or selectively provided access to the placement portfolio—and for appropriate school or government officials—where 49 percent of those surveyed either automatically or selectively provide access to the placement portfolio.

*Testing organizations as used here refer to organizations conducting studies to develop, validate, or administer predictive tests; to administer student aid programs; or to improve instruction.

Thirty-six percent of those responding indicated faculty members are either automatically or selectively provided access to the files. Twenty-eight percent of the respondents indicated access to placement files is either automatically or selectively provided in emergency situations. In all other circumstances presented in Question VIII, the institutions indicated very minimal access to placement records is provided.

The responses to Question VIII indicate that those placement directors who responded to the questionnaire perhaps do not follow Buckley guidelines relative to the concept covered by this item. In many cases they may not be aware of the specific guidelines provided by Buckley in dealing with this dimension of policy relative to placement portfolios.

Public Law 94502 guidelines, enacted in October 1976, require providing information to the Veterans Administration *without* the written permission of the placement candidate, whereas our survey shows 82 percent of higher education institutions indicated they do not. If such a request were made of the placement bureau, and the circumstances required it, the actual Public Law 94502 guidelines would likely be searched out and the institution would in fact conform to the law. This result is probably an indication that this circumstance simply does not normally present itself.

In response to the opportunity to name individuals or agencies other than those listed in Question VIII to whom information was provided *without* the consent of the placement candidate, four respondents identified the state certification office.

Question IX

IX. If the answer to any of the items A through H in VIII is either yes or selectively, briefly explain how the decision would be made and/or who would make it.

Analysis for Question IX

A summary of the responses to Question IX is shown in Table 6. An analysis of Table 6 reveals that there were 162 individual responses to this question. We felt there was sufficient difference in the content of the responses to use 16 categories to report a summary of the responses. There is some overlap in the categories; that is, one particular individual or group might be involved in more than one of the 16 categories. An example of this is the placement director. There is one category where he/she is the only individual involved, but there are four other categories where the placement director is identified as involved in this decision-making process.

The individual who is most frequently named as making the decision to make the placement portfolio available without the consent of the candidate is the placement director. The placement director either makes the decision or is involved in making the decision in 116 of the 162 responses (72%). The school attorney was also identified in a dominant number of the responses (44 or 27%). Other individuals identified in the responses to this question were generally administrators at various levels of the institutional hierarchy, although faculty members were mentioned in several responses.

Table 6. If the Placement Portfolio Is Made Available Without the Candidate's Consent, Who Makes That Decision?

Number	Position of Individual(s) Who Make the Decision
85	Placement Director
22	Chain of Command: Placement Director, Dean, Vice President School Attorney
16	School Attorney
7	Faculty
6	Director of Teacher Education
6	Director of Placement in Consultation with the University Counsel
5	Vice President for University Affairs
4	No Standard Policy—Decisions Are Made on Case-to-Case Basis
2	Director of Student Services—Dean of Student Life
2	Custodian of the Files
2	Placement Director and Director of Student Affairs
1	Affirmative Action Officer
1	Carefully Screened Government Officials
1	Anyone Signing a Permission Form
1	Placement Staff
1	Education Department

The Buckley Amendment does not provide definite guidelines as to how an institution should perform this function and/or who should make the decision to release information without the consent of the placement candidate. It does stipulate that

> institutions are responsible for informing parties to whom personally identifiable information is released that *recipients of such information* are not permitted to disclose the information *to others* [a third party—university, recipient, others] without the written consent of the [placement candidate]. (FERPA, 1984, p. 17)

Question X and XI

X. Are you aware of any changes that were made in the recommendation forms used by your institution as a result of the provisions of the Buckley Amendment?

12% Don't know 78% Changes were made 7% No changes were made

XI. If your response to X is that changes were made, please indicate what kind of changes were made.

73% A. Changed the confidentiality process and policies relative to recommendations.

17% B. Changed the content of recommendation forms to reflect different specific teaching skills and/or abilities of the candidate.

If possible, please elaborate briefly on either of the items A or B above which you may have checked.

Analysis for Questions X and XI

Most higher education institutions (78%) found it necessary to change the forms used by the placement office as a result of the Buckley Amendment. Most of the changes made (73%) had to do with the confidentiality process. Table 7 summarizes the responses given when placement directors elaborated on what kinds of changes were made on their placement forms. Eighty-eight percent of all placement directors who elaborated on the type of change in their responses indicated a change was made involving the addition of, deletion of, or some other change relative to the waiver statement. In five cases the total placement files were revised.

Table 7. Recommendation Form Changes Made as a Result of the Buckley Amendment

Number	Changes Made in Placement Files
64	Placement Candidate Given the Choice of Either Open or Closed Recommendations
9	A Statement Added to Indicate All Files Are Open
5	All Files Were Completely Revised
2	All Files Are Closed—With a Blanket Waiver Signed by Placement Candidate
2	Students Are Now Informed of Their Rights
1	Two Separate Forms Are Now Used for Recommendations
1	Items Were Removed Which Would Violate Discrimination Policies of the University
1	The Individual Waiver Was Eliminated in Favor of the Blanket Waiver Form
1	Questions Relative to Appearance Were Eliminated

An analysis of Table 7 also reveals that at least 9 institutions of higher education went to all open recommendations. Two institutions have gone to all closed files, with a blanket waiver signed by placement candidates (perhaps required).

The Buckley Amendment requires that an institution provide some means of permitting placement candidates to inspect and review any letters of recommendation written after January 1, 1975, and included in their placement portfolio (FERPA, 1984, p. 14). **This does not include the recommendations written relative to the accomplishments or activities of an individual after he/she is no longer a student at the institution** (p. 9). **A student may waive this right. However, it seems quite clear in the few cases where there is an indication that blanket waivers are required that this is in direct violation of Buckley. Buckley states that institutions may not require waivers or deny an institutional service to a student who refuses or fails to sign waivers** (p. 14).

Questions XII and XIII

XII. Do you have a written institutional policy and statement of adopted procedures covering privacy rights of students?

79% Yes 11% No

XIII. If the answer to XII is yes, please answer the following questions.

A. Does the policy describe institutional policy and procedure in the areas of:

1. Access to records	97% Yes	1% No
2. Release of records	97% Yes	0% No
3. Challenge of records	76% Yes	13% No
4. Location of records	79% Yes	11% No

B. How is this policy made available to students and/or former students?

Analysis for Questions XII and XIII

Buckley guidelines require that each educational institution "establish a written policy and statement of adopted procedures covering privacy rights of students" (FERPA, 1984, p. 11). **Seventy-nine percent of the placement directors responding to our survey indicated they were complying with this requirement.**

Buckley guidelines require that the higher education institutions have a policy and procedure "in the areas of access, release, [location] and challenge of education records" (p. 11).

As indicated in Question XIII.A, the overwhelming majority (97%) of those who indicated in Question XII that they have a policy are conforming to the guidelines relative to access and release of records. When the responses of all placement directors are used, this percentage drops to 78. A very high proportion of the respondents who have a written policy indicated compliance with Buckley relative to challenge (76%) and location (79%) of records. Again, the percentages for challenge and location of records drop to 62 percent and 63 percent, respectively, when the responses of all who entered a response to these items are used.

Buckley guidelines require that an educational institution must develop procedures, as a part of the institutional policy, which "permit students to inspect and review education records [i.e., placement portfolios] within a maximum of 45 days after they request to do so" (FERPA, 1984, p. 14). **The institution is provided a great measure of autonomy in establishing local policy and procedures to meet its responsibilities under the act** (p. 11). **Table 8 contains a listing of the wide variety of responses received to Question XIII.B. All of the specific modes used by the various higher education institutions to make institutional policy concerning the Buckley Amendment available to students are potentially valid.** Most respondents indicated a combination of vehicles is used to deliver the message, in an effort to comply with this Buckley requirement.

Table 8. Modes by Which Institutional Policy Concerning the Buckley Amendment Is Made Available to Students.

Number	Mode	Number	Mode
39	Student Handbook	1	With Bills Sent to Students
29	Placement and University Publications	1	Letter from the State Attorney General in the Student Handbook
24	Placement Office—Career Center	1	Each Office Has a Copy
17	Registrar's Office	1	Never Mentioned
15	College Catalogue	1	Campus Newspaper and College Catalogue
14	Personal, Written Request	1	Handout; Upon Personal, Written Request; and with Placement Papers
14	Student Handbook and College Catalogue	1	Bulletin Board and Student Handout
11	Handbook	1	Bulletin Board and Conference-Seminars
8	Handout	1	Student Handbook and Upon Personal, Written Request
8	Bulletin Board	1	Conference-Seminar and With Placement Papers
6	Campus Newspaper	1	Statement of Policy Sent Out to Individually Sign and Return
6	Bulletin, Information Brochures, and Student Orientation	1	Handbook and Legal Affairs Office
6	Conference, Seminar, and Verbally	1	Class Activities
4	Dean of Students	1	Each Semester's Schedule
3	College Handbook	1	Mail
2	Registrar's Office and Upon Personal, Written Letter	1	Policy Notebook
2	Letter from Registrar to All Students/Parents	1	Campus Newspaper and Registration
2	Faculty-Student Handbook	1	Library Reference Section
2	Academic Affairs Handbook	1	None
2	Campus Newspaper, College Handbook, Class Schedule		
1	University Publications and Talk with Dean of Students		

Questions XIV and XV

XIV. Does the institution annually notify students of their rights under the Buckley Amendment?

60% Yes 33% No

XV. If the answer to XIV is yes, what is the method of notification?

Analysis for Questions XIV and XV

The Buckley Amendment requires that the institution

must annually notify students of their rights under the Act. . . . The method of annual notification is left to the discretion of the institution, so long as the means employed is reasonably effective to communicate those rights. . . . The annual notice must specify student rights covered by the Act as follows:

a. the right to inspect and review information contained in education records.
b. the right to challenge the contents of their education records.
c. the right to a hearing if the outcome of the challenge is unsatisfactory.
d. the right to submit an explanatory statement for inclusion in the education record if the outcome of the hearing is unsatisfactory.
e. the right to prevent disclosure, with certain exceptions, of personally identifiable information.
f. the right to secure a copy of the institutional policy, which includes the location of all education records.
g. the right to file complaints with the Department of Education concerning alleged failures by institutions to comply with the Act. (FERPA, 1984, pp. 12-13)

The responses to the survey indicate that placement directors in one third (33%) of the institutions responding feel students are not being notified annually of their rights under Buckley. This is not specifically a responsibility of the placement office, but a responsibility of the institution for all students— including those placement candidates with portfolios in the placement office. When selecting out those institutions who indicated in Question XII that a written institutional policy and statement of adopted procedures covering privacy rights of the students exist, 60 percent of this group annually notify their students of the students' rights under Buckley.

The responses of those indicating the method used by their institution to notify students annually of their rights under Buckley are summarized in Table 9. Analysis of Table 9 clearly indicates similarities between these responses and those listed in Table 8. It is the conclusion of the researchers that these data indicate a number of placement directors did not fully understand the distinction between (a) institutional policy and the means by which it is made available to students and (b) student rights and the annual notification of students of their rights. This conclusion is influenced by the low percentage of institutions who indicated compliance with Buckley in notifying students of their rights under Buckley and the experience of the researchers in codifying the data from the responses. Many respondents, in fact, queried if both questions did not refer to the *same* Buckley requirement. At the same time it should be recognized that the same vehicles could potentially be used for notifying students of how to pursue obtaining a copy of or access to institutional policy and for notifying students of their rights under Buckley. While there is a certain amount of overlap in the two (e.g., one student right is the right to secure a copy of the institution policy), there also is a distinction between the two in the Buckley Amendment.

Table 9. Modes by Which Institutions Notify Students of Their Rights Under the Buckley Amendment.

Number	Mode	Number	Mode
28	Student Handbook	3	Campus Newspaper and Student Handbook
19	Placement and University Publications	2	Upon Personal, Written Request
17	Registrar's Office—When Registering	2	Letter From Registrar to All Students and/or Parents
16	Placement Office—Career Center	2	Mail
15	Campus Newspaper	1	Faculty-Student Handbook
12	College Catalog	1	Bulletin Board
12	Conference, Seminar, and Verbally	1	Bulletin Board and Student Handbook
10	Handbook	1	Bulletin Board and Conference-Seminars
9	Student Handbook and College Catalog	1	College Handbook
5	Bulletin, Information Brochures, and Student Orientation	1	Student Handbook, Credential Release Statement, Career Services Center Publication
4	Each Semester's Schedule	1	Class Activities
3	Campus Newspaper, College Catalog and Schedule	1	With Bills Sent to Students
3	Campus Newspaper and College Catalog		

A National Study of Attitudes and Reactions of Personnel Administrators Toward Open and Confidential Letters of Recommendation

Question I, II, and III

I. As a prospective employer of professional personnel, do you prefer and/or value open recommendations any differently from confidential recommendations?

A. Preference is for 4% Open 75% Confidential 21% No preference

B. Place a higher level of value or confidence in

3% Open 78% Confidential 19% Both the same

II. In your opinion, is there any difference in the actual quality of a recommendation received as a result of the fact that the recommendation is either open or confidential? The term *quality* is meant to imply objectivity and the degree to which the recommendation accurately and appropriately describes the candidate.

79% Yes 21% No

III. If your answer to II is yes, please indicate whether you feel the quality of the open or the quality of the confidential recommendation is likely to be higher.

9% Open 70% Confidential

Analysis for Questions I, II, and III

An analysis of Questions I, II, and III leaves the unmistakable impression that superintendents prefer and/or value confidential recommendations over open recommendations. In all these questions their choice of confidential recommendations was from 75 to 79 percent. Of the 79 percent who feel there is a difference in the quality of open and confidential recommendations, 70 percent feel confidential recommendations have the higher quality. Twenty percent (plus or minus one percent) see no difference between confidential and open recommendations.

Questions IV and V

IV. Do you as a school system/district have your own recommendation form(s)?

36% Yes 63% No

If the answer is yes:

A. Do you send your forms to persons from whom you already have other recommendations on the applicant?

12% Yes 9% No 18% Selectively

B. How do you determine to whom your recommendation forms are sent? Briefly explain.

V. If your answer to IV is yes, do you require that the candidate:

12% A. be evaluated on an open form?

9% B. sign a confidential waiver?

9% C. choose between an open or confidential form?

Analysis for Questions IV and V

It seems very difficult to accept, but only 36 percent of school districts indicated they have their own recommendation forms—used to supplement recommendations received in the placement portfolio of the placement candidate. However, the statistic for this response seems to be borne out by the responses to Questions IV.A and V. Those responding to Questions IV.A and V represent 39 and 30 percent of the total sample, which is relatively close to the 36 percent who indicated they have their own recommendation forms.

Twelve percent of the school districts routinely obtain second recommendations on their own form and 18 percent obtain second recommendations

selectively. Twenty-one percent of the corporations either use open forms or provide the candidate the option of using open recommendation forms. This represents 70 percent of the districts which responded to Question V.

Table 10 shows the responses to Question IV.B. The total of the percent column (28.8%) also supports the fact that 36 percent indicate they have their own forms. The largest response to this item was that recommendation forms are sent to individuals suggested by the candidate. Considering that the candidate also determines the bulk of the recommendations in his/her placement portfolio, one would conclude the candidate determines the source of the major portion of written recommendations made available to employers. The major exception to this is a statistic found in the data gathered from the questionnaire sent to placement bureaus. The responses to this questionnaire indicate that 50 percent automatically include supervising classroom teacher evaluations and 40 percent automatically include university supervisor recommendations from the student teaching experience. These would represent the largest source of written recommendations provided to employers, which were not determined by *choice* of the placement candidate.

Table 10. Methods Used to Determine to Whom Employers Send Requests for Recommendations.

Percent	Method
11	Candidate's Suggestions
8	Previous Employer
3	Individuals Who Have Had Direct Supervision of the Candidate
3	As Deemed Appropriate
2	To Those in Whom We Are Most Interested
1	Number and Type Included in Credentials
.6	Background of Candidate
.2	No Placement Folder Available

Question VI

VI. In the process of choosing a candidate, whom do you further contact for verbal clarification or information concerning the candidate?

A. Principal	77% Yes	1% No	20% Selectively
B. Supervising teacher	44% Yes	4% No	35% Selectively
C. University Supervisor	20% Yes	10% No	39% Selectively
D. Professor	8% Yes	15% No	35% Selectively
E. Other (please specify)	25% Yes	2% No	14% Selectively

Analysis for Question VI

The responses to Question VI tend to indicate superintendents use verbal contact for information beyond that included in the placement portfolio of a candidate to a much greater extent than they use additional written recommendations.

The largest number of verbal contacts is made with principals (97%) either automatically or selectively. The next most frequent follow-ups are with the student teacher supervisor (79%) and the university supervisor (59%). Responses to Question VI which fell in the "other" category are shown in Table 11. Of these the superintendent was mentioned most often (16.5%).

Table 11. Individuals Contacted for Verbal Information Concerning Potential Employees in Addition to Those Listed in Question VI.

Percent	Individual	Percent	Individual
16.5	Superintendent	.4	References Outside Education
3.0	Other Employers	.4	References of Candidates
2.6	Personnel Director	.2	Usually Not Necessary
2.2	Immediate Supervisor	.2	Parents in Applicant's Last Teaching Community
1.8	Personal Reference	.2	University Placement Director
1.0	Fellow Teachers	.2	Police Records Department
1.0	People We Know Who Know the Candidate		
.6	Assistant Principal		
.6	Varies		

Question VII

VII. Which recommendations normally have the most influence on your decision to employ a teacher? Please indicate the three most important by placing a one (greatest influence), two, and three by the appropriate choices below:

65%/15%/ 2%	Principal	.4%/9%/40%	University Supervisor
14%/46%/12%	Supervising Teacher	0%/1%/ 8%	Professor
_____	Other (please specify) _____		

Analysis for Question VII

Based on the response to Question VII, the recommendation of principals are the one most important to a superintendent in decisions relative to the employment of placement candidates. They are the individuals ranked first in importance by 65 percent of the superintendents responding to the survey. The student teaching supervising teacher was next in importance. Fourteen percent indicated the supervisor was first in importance, 46 percent second, and 12 percent third.

The responses to the "other" category are found in Table 12. The superintendent was mentioned in more responses than the total of the remaining other write-in responses, as 3.6 percent of the first, 7.3 percent of the second, and 3.9 percent of the third most important sources of verbal feedback sought relative to potential employees.

Table 12. Persons Whose Recommendation Is Most Important in Reaching a Decision to Employ a Teacher, in Addition to Those Listed in Question VII.

Position of Individual	% First	% Second	% Third
Superintendent or Central Office Administrator	3.6	7.3	3.9
Personal Acquaintance of Superintendent Who Also Knows the Candidate	.7	0.0	.1
Past Employers	.7	.1	.8
Personnel Director	.1	0.0	.1
Character Reference—Personal	0.0	0.0	.7
Assistant Principal	0.0	.1	.3
Department Chairman	0.0	.1	.6
People Who Know the Candidate	.1	0.0	.4
Fellow Teachers	0.0	.3	.3
Immediate Supervisor	.1	.1	.4
An Official Who Has Observed the Candidate in the Classroom	0.0	0.0	.1
Professor	0.0	0.0	.1
Guidance Counselor	0.0	0.0	.3

Question VIII

VIII. If any answer to VI is yes or selectively, what is the nature of the information sought? Check as many choices as apply.

79% character 56% educational preparation 4% marital
73% personality 92% teaching skills 86% work habits
___ other (please specify) _____

Analysis for Question VIII

The responses to Question VIII indicate superintendents seek information about prospective employees relative to teaching skills most often (92%), work habits next (86%), then on character (79%) and personality (73%), and finally on educational preparation (56%). Perhaps this is a verification that many feel grades are not as important as other factors in teacher qualifications. These data do indicate, however, that educational preparation is considered more important than a whole host of traits or qualities and is of high importance, but not the *most important of everything.*

Responses received to the "other" category of Question VIII are shown in Table 13. Discipline (2.4%), rapport with staff (2.4%), attitude (1.4%), and absence record (1.3%) are the responses which were mentioned most often. There was a large number of other isolated factors identified. These most likely reflect the positive or negative experiences of superintendents with specific individual employees.

Table 13. The Nature of Information Sought Verbally, in Addition to That Listed in Question VIII.

%	Information	%	Information
2.4	Discipline	.3	Honesty
2.4	Rapport with Staff	.1	Financial Record Keeping
1.4	Attitude	.1	Cooperation with Administrators
1.3	Absence Record	.1	Experience Other Than Teaching
.8	Communication Skills	.1	Tact
.8	Rapport with Students	.1	Written Communication Skills
.7	Quality of Academic Background	.1	Professional Activity
.6	Extracurricular Experience	.1	Interest in Total School
.6	Related Skills for Extra Assignments	.1	Family Constellation
.6	Data Not in Credentials	.1	Credit Rating
.4	Enthusiasm	.1	Parent Rapport
.4	Response to Problem Situations	.1	Emotional Stability
.4	Intelligence	.1	Why in Teaching
.4	Likelihood of Success	.1	Creativity
.3	Why Left Past Job	.1	Willingness to Accept Criticism
.3	Willingness to Improve	.1	Ability to Solve Problems
.3	Dependability	.1	Confirmation of Written Documentation
.3	Problem Areas	.1	Depends on Interview
.3	Dedication to Profession	.1	Values
.3	Flexibility	.1	Classroom Organization
.3	Loyalty	.1	Time on Task
.3	Promise of Growth		
.3	Ability to Be Sensitive		

A Comparison of Selected Data Collected from the Two Surveys

The ways our sample of the directors of higher education placement offices perceived superintendents to feel about recommendations and the results of our survey of superintendents' reported feelings are compared in Table 14. The data in Table 14 indicate that superintendents favor confidential recommendations to a greater degree (75%) than placement directors realize (56%). Also, superintendents as a group feel confidential recommendations have higher quality to a much greater degree (78%) than do placement directors as a group (34%).

Table 14. Survey Results of Higher Education Placement Directors' Attitudes and Their Perceptions of Employer Attitudes Toward Recommendations with Actual Reported Superintendents' Attitudes.

Attitudes	Open	Confidential	No Difference
Placement Directors' Perceptions of the Preference of Employers	2%	56%	30%
Superintendents' Reported Feelings of Their Preference	4%	75%	21%
Placement Directors' Perceptions of Which Recommendation Employers Feel Has the Higher Quality	1%	60%	27%
Superintendents' Reported Feelings of Which Recommendation Has the Higher Quality	3%	78%	19%
Placement Directors' Personal Feeling as to Which Recommendation Has the Higher Quality	7%	34%	47%

An Analysis of the Data from the Survey of Superintendents Derived by State

The data collected from question I.A of the questionnaire sent to superintendents were compared with the data from Question I.B. Since the data are so closely related, Table 15 shows only the data broken down by state for question I.B.

Table 15 shows the percentages of the superintendents responding to our questionnaire in each state who feel the confidential recommendation has higher quality. One hundred percent of the superintendents in 12 states felt the confidential recommendation has higher quality. In only one state did less than 50 percent of the superintendents rate the confidential recommendation of higher quality (Utah 33% of a sample size of 3). Fifty percent of the superintendents (the highest percentage indicated) in three states see no difference in the quality of either the confidential or the open recommendation. There were no percentages higher than 50 in either the open-recommendation or no-difference categories.

Table 15. Percentage of Superintendents in Each State Who See No Difference in or Place a Higher Level of Confidence in Open or Confidential Recommendations.

State	Number of Placement Offices Responding		% Open	% Confidential	% No Diff.				State
Alaska	2		50	50	25	50	25	4	Montana
Alabama	5		80	20		100		6	Nebraska
Arizona	9		78	22	33	67		3	Nevada
Arkansas	3		100		25	75		4	New Hampshire
California	48	4	88	8	31	54	15	13	New Jersey
Colorado	7		86	14		100		6	New Mexico
Connecticut	6		67	33	21	77	3	34	New York
Delaware	4		75	25	9	91		11	North Carolina
Florida	14		79	21		100		2	North Dakota
Georgia	3		100		14	86		21	Ohio
Hawaii	1		100			100		10	Oklahoma
Idaho	4		75	25	33	67		6	Oregon
Illinois	19		74	26	21	71	7	28	Pennsylvania
Indiana	11		73	27		100		5	Rhode Island
Iowa	6		50	50	17	67	17	6	South Carolina
Kansas	6		100			100		4	South Dakota
Kentucky	15		93	7	50	50		6	Tennessee
Louisiana	8	25	50	24	8	92		25	Texas
Maine	2		100		33	33	33	3	Utah
Maryland	8		88	13	25	75		4	Vermont
Massachusetts	9	11	44	44	38	50		8	Virginia
Michigan	22	5	68	27		91		11	Washington
Minnesota	12		92	8	17	84		6	West Virginia
Mississippi	3		100		25	58	8	12	Wisconsin
Missouri	13		85	15	20	60	20	5	Wyoming

Figure 4 shows the percentage of superintendents in each state who feel the confidential recommendation has higher quality. Eight of the 12 states with 100% of the superintendents choosing confidential recommendations are contiguous in the center of the country. They form a solid wall from the Canadian border to the Mexican border and the Gulf of Mexico. Lying next to (and between) is Texas with 92% of the superintendents favoring confidential recommendations.

Figure 4.

The Percentages of Superintendents in Each State Who Feel the Confidential Recommendation Has the Higher Quality.

The percentages favoring confidential recommendations in the eight largest states (California, New York, Texas, Pennsylvania, Illinois, Ohio, Florida, and Michigan) ranged from 68 to 92 percent. The arithmetic average of the percentages of superintendents favoring confidential recommendations for these eight states is 79%, which is only one percentage point from the national average of 78%.

The responses to Question V of the questionnaire sent to superintendents are broken down by state in Table 16. These indicate what kinds of options are provided to the placement candidate when obtaining additional recommendations using the forms of the school district which is considering hiring the placement candidate. The table indicates if the placement candidate is required to be evaluated on an open form, must sign a confidential waiver, or may choose between an open or a confidential form.

Florida (50%), Alabama (40%), and Virginia (38%) are the states where school districts appear to use open recommendation forms to any extensive degree. North Carolina (36%), Mississippi (67% for a sample of 3), and Hawaii (100% for a sample of 1) are the states where all confidential recommendation forms are reported to be used by percentages of any size. The sample from Maryland indicates a large number of school districts use their own recommendation forms (89%) and 63 percent of these provide the placement candidate the option of using either open or confidential recommendation forms.

Table 16. Percentage of School Districts in Each State Which Use Each of Three Different Types of Recommendation Forms.

State	Number of Placement Offices Responding	% Open	% Confidential	Choice				State
Alaska	2						4	Montana
Alabama	5	40		20		17	6	Nebraska
Arizona	9		22			33	3	Nevada
Arkansas	3				25		4	New Hampshire
California	48	10	4	2		8	15	13 New Jersey
Colorado	7			28		17	17	6 New Mexico
Connecticut	6	17		33	3		9	34 New York
Delaware	4	25		25	9	36	18	11 North Carolina
Florida	14	50		14				2 North Dakota
Georgia	3				10	14	24	21 Ohio
Hawaii	1		100		10	20		10 Oklahoma
Idaho	4							6 Oregon
Illinois	19	5		5	14	4	11	28 Pennsylvania
Indiana	11	18	9	9		20		5 Rhode Island
Iowa	6				50		17	6 South Carolina
Kansas	6		17					4 South Dakota
Kentucky	15	7	7	20		17	17	6 Tennessee
Louisiana	8	25	13	13		24	8	25 Texas
Maine	2						33	3 Utah
Maryland	8	13	13	63			25	4 Vermont
Massachusetts	9	22			38		38	8 Virginia
Michigan	22	5	9		9		18	11 Washington
Minnesota	12	8	8		33	17	17	6 West Virginia
Mississippi	3		67		8	8	8	12 Wisconsin
Missouri	13		15	15				5 Wyoming

CHAPTER 5

FINDINGS

1. Approximately 50 percent of all student teaching evaluations (from both the university supervisor and the supervising classroom teacher) automatically become a part of the placement portfolio; approximately 10 percent do not. In approximately 40 percent of the cases, it is the candidate's option whether to include student teaching evaluations in the portfolio.

2. Eighty-nine percent of the respondents to the questionnaire sent to higher education placement offices permit an option of open recommendations for at least one of the four categories of recommendations (supervising classroom teacher, university supervisor, professor, or other).

3. At least 50 percent of the surveyed higher education institutions in every state which returned questionnaires (48 states) provide an option of either open or closed recommendations to their placement candidates.

4. In allowing candidates to waive their rights to see the recommendations, blanket waivers are used by placement offices almost equally (50%) with individual waivers (49%).

5. Eighty percent of employers are informed as to whether letters of recommendation are secured under open or confidential status.

6. In those higher education institutions which permit a choice between open and closed recommendations, placement directors feel 55 percent of the placement candidates choose confidential recommendations and 39 percent choose open recommendations. These figures are based on estimate in 77 percent of the cases, while 10 percent of the directors have hard data to support their figures.

7. Ninety percent of those higher education institutions which permit a choice between open and closed recommendations inform the placement candidate of the advantages and disadvantages of each type. Twenty-six percent of placement directors attempt to influence the decision of the placement candidate to use one or the other type. Of those who attempt to influence the decision of the placement candidate, 27 percent attempt to influence the candidate using printed material and 86 percent use verbal communication; also, 20 percent encourage the use of open recommendations, while 71 percent encourage the use of confidential recommendations.

8. In 32 states every higher education institution attempts to inform the placement candidate of the advantages and disadvantages of both open and confidential recommendations. In only one state which had responses to the survey did the number of institutions which inform the candidate drop to 50 percent.

9. In those higher education institutions which provide the option of an open recommendation, only 4 percent indicate there are no options of action available to placement candidates who find evaluations with which they disagree. In the majority of the cases (57%), they may simply have the recommendation removed from the file if they so desire. In 5 percent of the cases the option to remove the evaluation depends on the specific type of recommendation: In 4 percent the student teaching recommendation cannot be removed; in 0.6 percent only personal, non-teaching-related recommendations may be removed; and in 0.3 percent of the cases only student teaching evaluations may be removed.

10. Sixty-five percent of those universities which permit placement candidates the option of open letters of recommendation permit the candidates to challenge the contents of their recommendations with someone at the institution. This challenge is most typically made with a placement office representative (46% of the time). In 79 percent of the cases where some other university representative conducts the conference, it is the same individual who originally wrote the recommendation. The options available to the university representative who conducts the conference typically include (a) removing the recommendation from the file; (b) altering the recommendation; (c) contacting the individual who wrote the recommendation, potentially to revise it in some cases; (d) leaving the recommendation as is; (e) allowing the placement candidate to add a statement to the recommendation; (f) allowing someone other than the placement candidate to add a statement of explanation or clarification to the recommendation; and (g) if the placement candidate is not satisfied with the results of the conference, granting him/her a request for a formal hearing.

11. Fifty-six percent of higher education institutions where placement candidates are given the option of open or confidential recommendations permit the candidates to request a formal hearing if they are not satisfied with the results relative to a recommendation with which they do not agree. Many respondents to the survey firmly indicated consideration had never been given to the issue because they had never had to deal with the issue in terms of a student actually making such a request.

Twenty-three different individuals or groups of individuals were identified in the survey as being vested with the responsibility for holding the formal hearing. The Director of Teacher Placement, the Dean of Academic Affairs, the Dean of the College of Education, or another individual associated with the teacher education program are the individuals most often vested with the responsibility of conducting a hearing.

12. Of those higher education institutions which permit a formal hearing, 80 percent provide the placement candidate a written statement summarizing the evidence and stating the reason for the decision reached in the hearing. Seventy-eight percent give the placement candidate the opportunity to enter a statement commenting on the recommendation and/or to set forth a reason for disagreeing with the decision of the hearing panel. Seventy percent include this statement of the placement candidate in the placement portfolio when it is provided to potential employers.

13. In institutions which permit an option of open recommendations, placement directors feel 3.3 percent of the placement candidates challenge the content of their recommendations. Seventy-six percent of the placement directors were using estimates in arriving at this figure.

14. In a comparison of open recommendations with confidential recommendations, there is basically no difference between how placement directors view the preference of employers versus the type of recommendation employers feel has the higher level of quality. On both questions placement directors feel the employers overwhelmingly prefer and value confidential recommendations over open recommendations (56% and 60% to 2% and 1%). Thirty-four percent of placement directors personally prefer and feel confidential recommendations have the higher level of quality, while 47 percent see no difference between the open and confidential recommendation.

15. Thirty-seven percent of the placement directors responding to the survey indicated they feel individuals are less willing to write recommendations since recommendations are now potentially open to the examination of the placement

candidate. Ninety-two percent indicated the placement candidate's permission is required before his/her placement portfolio is sent to prospective employers. Of these placement directors 80 percent obtain blanket permission statements to cover all requests from employers for the placement portfolio.

16. Concerning data relative to requests for the portfolio of the placement candidate, a high percentage of placement directors indicated records are kept of who made the request (93%), the reason the information was requested (63%), when the request was made (98%), and instances when the request was granted (90%).

17. Those circumstances where the higher education institutions are either automatically or selectively permitting access to the placement portfolio without the consent of the placement candidate are primarily in response to judicial order or lawfully issued subpoena (57%), for appropriate school or government officials (49%), for faculty members (36%), and in emergency situations (28%).

There were 16 categories of individuals or groups who placement directors indicate are vested with the responsibility of permitting access to the placement portfolio without the consent of the placement candidate. The placement director is indicated as either making the decision or being involved in making the decision in 72 percent of the responses. The school attorney was so identified in 27 percent of the responses. Other individuals identified in the responses were generally administrators at various levels of the institutional hierarchy, although faculty members were mentioned in several responses.

18. Most higher education institutions (78%) found it necessary to change the forms used by the placement office as a result of the Buckley Amendment. Seventy-three percent of the changes had to do with the confidentiality process. Of the respondents who elaborated on the type of change made, 88 percent indicated a change was made involving the addition of, deletion of, or some other change relative to the waiver statement. Nine institutions of higher education went to all open recommendations. Two institutions went to all closed files, with a blanket waiver signed by placement candidates (contrary to Buckley requirements).

19. Seventy-nine percent of the placement directors responding indicated that their higher education institution had a written institutional policy and statement of adopted procedures covering privacy rights of students. Of this group the written policy describes institutional policy and procedure concerning access to records (97%), release of records (97%), challenge of records (76%), and location of records (79%).

Approximately 40 different modes or combination of modes were used by the institutions represented to make institutional policy concerning the Buckley Amendment available to students.

20. Placement directors in one third (33%) of the institutions responding to our survey felt students are not being notified annually of their rights under Buckley in their institution. Twenty-five different modes or combination of modes are used to notify students of their rights under the Buckley Amendment. Basically the same modes are used that are used to make institutional policy concerning the Buckley Amendment available to students.

21. Seventy-nine percent of the superintendents who responded to the survey feel there is a difference in the quality of open and confidential recommendations. Seventy-five percent of them have a preference for the confidential recommendation and 78 percent place a higher level of value in the confidential recommendation.

22. School districts have their own recommendation forms which they use to supplement recommendations received in the placement portfolio of the placement candidate in 36 percent of those districts responding to the survey. Twelve percent of the school districts routinely obtain second recommendations on their own form, and 18 percent obtain second recommendations selectively. Of those school districts which have their own recommendation forms, 70 percent use either an open form or provide an option of either the open or closed recommendation.

The superintendents responded that the suggestion of the candidate was the method most often used to determine to whom they sent their own recommendation forms.

23. Superintendents responding to the survey indicate they routinely use verbal contact for information beyond that included in the placement portfolio. Those individuals contacted for verbal information either routinely or selectively include the principal (97%), supervising teacher (79%), university supervisor (59%), professor (43%), and superintendent (16.5%).

24. The responses of the superintendents indicated the recommendation of the principal has the most influence on their decision to employ a teacher. The recommendation of the student teaching supervising teacher is second in importance, that of the university supervisor is third, and that of the superintendent is fourth.

25. The superintendents surveyed indicated they seek information about prospective employees relative to teaching skills most often (92%), work habits next (86%), then character (79%), personality (73%), and educational preparation (56%). In all they identified approximately 44 different categories of information which they sometimes seek relative to prospective employees.

26. The survey of superintendents indicated that they favor confidential recommendations to a greater degree (75%) than placement directors realize (56%). Also, superintendents as a group feel confidential recommendations have higher quality to a much greater degree (78%) than do placement directors as a group (34%).

27. While 100 percent of the superintendents surveyed in 12 states feel the confidential recommendation has the higher quality, there was only one state where less than 50 percent felt the confidential recommendation has the higher quality (Utah—33% of a sample size of 3). Eight of the 12 states with 100 percent of the superintendents choosing confidential recommendations are contiguous in the center of the country, forming a solid wall from the Canadian border to the Mexican border and the Gulf of Mexico.

28. The superintendents indicated the recommendation forms used by their school district were open forms in 50 percent of the responses from Florida, 40 percent from Alabama, and 38 percent from Virginia. All confidential recommendation forms were reported as being used in North Carolina (36%), Mississippi (67%), and Hawaii (100%).

CHAPTER 6

CONCLUSIONS

The Buckley Amendment has become the major source of law controlling the use of public school records in the past decade. Since the placement portfolio of the individual graduating from a teacher preparation institution is a part of his/her public school record, the Buckley Amendment has a direct impact on that portfolio.

The placement candidates are faced with the task of marketing their talent in the most effective way and must confront those questions posed by their placement portfolios. The placement directors must sort through the reality of conforming to the guidelines of the Buckley Amendment and the necessity of successfully helping the graduate of the institution find employment. The consequences of the action and interaction of this mix of individuals with the Buckley Amendment have produced some interesting results. The conclusions of this study which are based on the data generated relative to this scenario are:

1. The placement candidates determine a very high percentage of the individuals who provide written recommendations to potential employers. In their university placement portfolios, the only recommendations which sometimes routinely become a part of the portfolio are those from the student teaching experience. About half of the higher education institutions surveyed indicated that recommendations from the classroom supervising teacher and the university supervisor automatically become a part of the placement file. The largest group of written recommendations obtained by employers themselves are from individuals suggested by the placement candidate.

2. Prospective employers unquestionably prefer confidential recommendations to open recommendations. About half of the placement directors see no difference between the open and confidential recommendation. Of those directors who have a choice, the confidential recommendation is preferred by almost a 5 to 1 margin over the open recommendation.

3. In choosing new teachers, employers tend to consider the recommendation of other administrators (primarily principals) as the most important source of information.

4. Employers almost universally use verbal contacts for information before hiring a new teacher. Ninety-seven percent either automatically or selectively contact the principal verbally and 79 percent contact the classroom supervising teacher. This fact in conjunction with the fact that written confidential recommendations are so highly valued seems to indicate a determination to get confidential information about the quality of the potential employee. Perhaps the introduction of the open recommendation has merely forced employers to use other means of gaining information about potential employees. These factors lead these researchers to the conclusion that effort is required if the placement portfolio is to continue to be instrumental in portraying the quality of the placement candidate. It could easily become an instrument for merely identifying and communicating basic quantitative information as opposed to qualitative information about the placement candidate.

5. The placement offices have a definite obligation to inform the placement candidate of the advantages and disadvantages of using open as opposed to confidential recommendations. If legal in their state, they should provide the option

of both the confidential as well as the open recommendation. Among the information provided placement candidates should be the fact that employers prefer, and will likely obtain, either verbal or written confidential information before hiring them.

6. The operationalization of the Buckley Amendment has not led to the dire consequences many predicted when it was enacted. It has not produced penalties for noncompliance (the cutoff of federal funds) and poses no great lurking threat for the institutions of higher education with good intentions—and it is rare when one does not have good intentions. The emphasis of the Department of Education has not been on locating the spurious violation but on assisting in the development of workable policies for the institutions of higher education.

The availability of open recommendations has not led to extensive challenge of their contents and/or appeal procedures by great numbers of placement candidates (3.3% by estimate of placement directors). There is no avenue for litigation written into the Buckley Amendment, and it has not led to extensive litigation for either the higher education institutions or for individuals writing recommendations. Higher education institutions, in fact, have probably been spared the pain of much potential litigation in this area by the existence of the Buckley Amendment.

7. Higher education institutions have complied with the requirements of the Buckley Amendment for the most part. However, there is a definite percentage of the institutions which are in noncompliance. The percentage of noncompliance varies with the various requirements of Buckley. The range of noncompliance is typified by the fact that about 11 percent provide no option for open recommendations and the fact that 35 percent do not permit the placement candidates to challenge the content of their recommendations with someone at the institution.

The range and extent of noncompliance and/or failure to be informed of the requirements of the Buckley Amendment indicate a need for help by many institutions of higher education. An effort should be made to actuate vehicles for disseminating information and facilitating an understanding of the requirements of the Buckley Amendment by all organizations with a vested interest in this area.

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APPENDICES

APPENDIX A

Indiana State University
Department of Secondary Education

June 18, 1984

Dear Colleague:

On August 21, 1974, the "Buckley Amendment" (the Family Educational Rights and Privacy Act of 1974 as amended) was signed into law. It was subsequently amended on June 17, 1976, and again on May 9, 1980. The major provisions of the act allow students to have access to their education records, to challenge the accuracy of the records, and to control third party access to those records.

We are conducting a national study to determine the current status of policies and procedures being utilized by teacher education placement bureaus to conform to the requirements of the Buckley Amendment. We are seeking a response from every member of the Association of School, College, and University Staffing. Your cooperation and assistance is sought in helping us to completely secure the information needed for this study.

Enclosed you will find a questionnaire which has been piloted and refined to facilitate completion of the instrument in a minimum of time. Please do not let the number of pages deter you from responding to the form. Most items require only a checkmark for response and simply ask for an indication of the status of your policies and procedures.

We realize that some institutions who feel they may not be in compliance with some aspect of the Buckley Amendment may be tempted to ignore the questionnaire. However, please be assured that the data secured by the questionnaire will never be disclosed or reported in any format other than as a part of the total data. Your institution will never be identified with any response made in the questionnaire. Your objectivity and candidness are sought in responding to the items.

If you are willing to share with us any of the forms you use, we would appreciate receiving them. These forms would potentially be displayed as examples for others to peruse for ideas. The forms we would be interested in receiving would include:

A. Recommendation forms
B. Forms for permitting students to waive their rights to inspect and review recommendations and/or the placement portfolio
C. Forms used to notify students of their rights under Buckley
D. Written institutional policy relative to Buckley
E. Any other forms utilized in implementing the Buckley guidelines which might be available

Terre Haute, Indiana 47809
(812) 237-2960

We are confident that you realize that your response is vital in providing thorough and meaningful data in this very important topic. Thank you in advance for your cooperation in completing the enclosed questionnaire. Simply place it and any other forms you may be returning to us in the return envelope provided by August 1, 1984.

It is our expectation and hope that you will find the process of completing the questionnaire of interest to you personally. If you would like to have a copy of the research report, simply indicate this desire at the end of the questionnaire.

Thanks again for your help.

Sincerely,

Daniel B. Horton, Jr., Ed.D.
Associate Professor of Education

John G. Martin, Ed.D.
Associate Professor of Education

Questionnaire Seeking Data for

A NATIONAL STUDY OF THE CURRENT STATUS
OF POLICIES AND PROCEDURES OF TEACHER PLACEMENT BUREAUS
RELATIVE TO THE ADMINISTRATION OF THE BUCKLEY AMENDMENT

This questionnaire is designed to gather data relative to placement portfolios and other institutional policies and procedures which are regulated by the Family Educational Rights and Privacy Act as amended (FERPA) and commonly referred to as the "Buckley Amendment." FERPA guidelines regulate only the period of time that the candidate was a student at your institution. Therefore, any placement portfolio material that covers pre- or post-university (or college) experience of your teacher education graduates *should not be considered* when you respond to this questionnaire.

In this questionnaire, the following definitions should be used for the terms open recommendation and confidential recommendation.

- **Open recommendation**—a recommendation to which the teacher placement candidate has retained his/her right to inspect and review the recommendation.

- **Confidential recommendation**—a recommendation to which the placement candidate has waived his/her right to inspect and review the recommendation. Such waiver would of necessity be in writing and signed by the candidate.

I. Do evaluations of the student teaching experience become a part of the placement portfolio?

Supervising Classroom Teacher ___ Yes ___ No ___ Candidate's Option

University Supervisor ___ Yes ___ No ___ Candidate's Option

II. In an analysis of the system you use to cope with the confidentiality aspect of letters of recommendation, please react to the following:

A. Are candidates given the option of selecting either open letters of recommendation or confidential letters of recommendation?

1. Student Teaching Evaluations

a. Supervising Classroom Teacher ___ Yes ___ No

b. University Supervisor ___ Yes ___ No

2. Professor Recommendation ___ Yes ___ No

3. Other ___ Yes ___ No

B. If the answer to A is yes in any category, do the candidates choosing confidential letters sign a blanket waiver to cover all letters of recommendation, or do they sign a waiver on each individual recommendation form?

___ Blanket ___ Individual

C. If the answer to B is the individual form, can a candidate choose to have some recommendations open while opting to have others confidential?

___ Yes (may have a mixture of open and confidential)

___ No (all must be either open or confidential)

D. Are prospective employers informed as to whether letters of recommendation are secured under open or confidential status?

___ Yes ___ No

E. If the answer to A is yes in any category, what percent of your candidates choose open as opposed to confidential letters of recommendation (please give either estimate or, if available, hard data)?

___% Open ___% Confidential

Are these figures estimate or hard data?

___ Estimate ___ Hard Data

III. If candidates are given the option of choosing either open or confidential letters of recommendation:

A. Is any effort extended by the placement bureau either to influence their decision (i.e., to point out the advantages of either open or confidential recommendations from your perspective) or to inform the candidates of the advantages and disadvantages of both open and confidential recommendations?

1. Influence his/her decision ___ Yes ___ No

2. Inform candidate of advantages and disadvantages ___ Yes ___ No

B. If effort is made to influence the decision of the candidate:

1. Is the effort made formally by means of printed material distributed to candidates?

___ Yes ___ No

2. Is the effort made in conference with the candidate through verbal communication?

___ Yes ___ No

3. Are the candidates encouraged to use open or confidential recommendations?

___ Open ___ Confidential

IV. If candidates are given the option of having either part of or all of their letters kept open and available for their inspection, please respond to the following items. If this option is not available to the candidate, skip these questions and go to item V.

A. When candidates read and discover recommendations with which they disagree, what options of action are then available to the candidate?

1. ___ None

2. If they wish, they may automatically have a recommendation removed from the file.

___ Yes ___ No

___ Depends on who wrote the evaluation (if this choice is checked, please explain briefly).

3. They may challenge the content of the recommendation in conference with (check all that are appropriate):

___ a. A representative of the placement office.

___ b. A department chairman.

___ c. Their student teaching supervisor.

___ d. Other (please indicate who, if this item is appropriate).

_____

4. If a response to number 3 is checked, is the candidate informed in writing of the decision of the conference referred to in item 3 above?

___ Yes ___ No

5. If a response to 3 is checked, what potential actions might occur as a result of the conference (check all that are appropriate)?

___ a. Recommendation removed from the file.

___ b. Recommendation altered.

___ c. The individual who wrote the recommendation contacted and encouraged to revise the recommendation (if recommendation was written by someone other than the person talking with the candidate).

___ d. Recommendation left as is.

___ e. Candidate may add a statement relative to the recommendation to the placement portfolio.

___ f. Other (please explain if checked).

6. If the candidate is not satisfied with the results of the action taken in response to the conference with the individual checked in item number 3, may he/she request a formal hearing?

___ Yes ___ No

7. If the answer to number 6 is yes, who would conduct the hearing?

8. If the answer to number 6 is yes:

   a. Would the candidate receive a written statement summarizing the evidence and stating the reason for the decision reached in the hearing?

   ___ Yes ___ No

   b. In cases where the decision is unsatisfactory to the student, is the student given opportunity to enter a statement commenting on the recommendation and/or to set forth a reason for disagreeing with the decision of the hearing panel?

   ___ Yes ___ No

   c. In cases where the answer to b above is yes, are these statements included in the placement portfolio when it is provided to potential employers?

   ___ Yes ___ No

B. What percent of the candidates who choose open letters of recommendation find evaluations with which they disagree (to the extent that they feel some action to remedy the existence or content of the recommendation is necessary)? Please give some response whether it is merely an estimate or hard data.

   1. What percent find they have been given recommendations with which they disagree?

   ___ Percent

   2. This response is based on

   ___ Estimate ___ Hard data

C. In your opinion, do prospective employers prefer and/or value open recommendations any differently from confidential recommendations?

   1. Preference is for

   ___ Open ___ Confidential ___ No preference

   2. Place a higher level of value or confidence in

   ___ Open ___ Confidential ___ Both the same

   3. If you have evidence to support your position, please briefly indicate the nature of the evidence.

D. In your opinion, is there any difference in the actual quality (degree of objectivity and accuracy) of open recommendations as opposed to confidential recommendations?

___ Yes ___ No

E. If your answer to D is yes, do you feel the quality of the open or the quality of the confidential recommendation is likely to be higher?

___ Open ___ Confidential

F. Has the fact that the recommendation may be open to the examination of the candidate affected the willingness of individuals to write recommendations?

___ No effect ___ Less willing ___ More willing

V. Do you require the permission of the candidate to send his/her placement portfolio to prospective employers?

___ Yes ___ No

VI. If the answer to V is yes, do you receive a blanket permission statement for all prospective employers or separate permission statements for each prospective employer?

___ Blanket ___ Separate

VII. When a portfolio is requested, is a record kept of:

A. Who made the request? ___ Yes ___ No

B. The reason for information being requested? ___ Yes ___ No

C. When the request was made? ___ Yes ___ No

D. Instances when the request is granted? ___ Yes ___ No

VIII. Is the placement portfolio made available without the consent of the candidate to any of the following (who are not potential employers)?

A. Faculty members ___ Yes ___ No ___ Selectively

B. Emergency Situations ___ Yes ___ No ___ Selectively

C. Veterans Administration ___ Yes ___ No ___ Selectively

D. Testing and accrediting organizations ___ Yes ___ No ___ Selectively

E. Parents of dependent students

1. Open files ___ Yes ___ No ___ Selectively

2. Confidential files ___ Yes ___ No ___ Selectively

F. In response to judicial order or lawfully issued subpoena ___ Yes ___ No ___ Selectively

G. Appropriate school or government officials ___ Yes ___ No ___ Selectively

H. Other (please indicate who) ___ Yes ___ No ___ Selectively

IX. If the answer to any of the items A through H in VIII is either yes or selectively, briefly explain how the decision would be made and/or who would make it.

X. Are you aware of any changes that were made in the recommendation forms used by your institution as a result of the provisions of the Buckley Amendment?

___ Don't know ___ Changes were made ___ No changes were made

XI. If your response to X is that changes were made, please indicate what kind of changes were made.

___ A. Changed the confidentiality process and policies relative to recommendations.

___ B. Changed the content of recommendation forms to reflect different specific teaching skills and/or abilities of the candidate.

If possible, please elaborate briefly on either of the items A or B above which you may have checked.

XII. Do you have a written institutional policy and statement of adopted procedures covering privacy rights of students?

___ Yes ___ No

XIII. If the answer to XII is yes, please answer the following questions.

A. Does the policy describe institutional policy and procedure in the areas of:

1. Access to records ___ Yes ___ No
2. Release of records ___ Yes ___ No
3. Challenge of records ___ Yes ___ No
4. Location of records ___ Yes ___ No

B. How is this policy made available to students and/or former students?

XIV. Does the institution annually notify students of their rights under the Buckley Amendment?

___ Yes ___ No

XV. If the answer to XIV is yes, what is the method of notification?

_____ _____

Name Institution

☐ Yes, I would like to have a copy of the research report based on these data.

Please return to: Dr. Dan Horton
Department of Secondary Education
Indiana State University
Terre Haute, Indiana 47809

APPENDIX B

Indiana State University
Department of Secondary Education

June 18, 1984

Dear Colleague:

As you are aware, the Buckley Amendment (Family Educational Rights and Privacy Act) has resulted in the use of both confidential recommendations and open recommendations. We are conducting a national survey to determine the attitude and reaction of superintendents and/or placement officers of professional personnel toward these recommendations. Approximately 1000 public school districts (including most members of A.S.C.U.S.) from among all fifty states and the District of Columbia are being surveyed.

Enclosed you will find a two-page questionnaire that should take but a very few minutes to complete. We would like for the individual charged with the primary responsibility for employing teachers in your district to respond to the questionnaire. Please be assured that you or your school district will never be identified with any response made in the questionnaire.

Thank you in advance for your cooperation. An immediate response would be helpful to us in our tabulations, and an August 1, 1984, deadline is necessary. Simply place the questionnaire in the return envelope provided.

Thank you again for your help.

Sincerely,

Daniel B. Horton, Jr.

Daniel B. Horton, Jr., Ed.D.
Associate Professor of Education

John G. Martin

John G. Martin, Ed.D.
Associate Professor of Education

Terre Haute, Indiana 47809
(812) 237-2960

Questionnaire Seeking Data for

A NATIONAL STUDY OF ATTITUDES AND REACTIONS OF PERSONNEL ADMINISTRATORS TOWARD OPEN AND CONFIDENTIAL LETTERS OF RECOMMENDATION

In this questionnaire, the following definitions should be used for the terms open recommendation and confidential recommendation.

* **Open recommendation**—a recommendation to which the teacher placement candidate has retained his/her right to inspect and review the recommendation.

** **Confidential recommendation**—a recommendation to which the placement candidate has waived his/her right to inspect and review the recommendation. Such waiver would of necessity be in writing and signed by the candidate.

I. As a prospective employer of professional personnel, do you prefer and/or value open recommendations any differently from confidential recommendations?

A. Preference is for ___ Open ___ Confidential ___ No preference

B. Place a higher level of value or confidence in

___ Open ___ Confidential ___ Both the same

II. In your opinion, is there any difference in the actual quality of a recommendation received as a result of the fact that the recommendation is either open or confidential? The term *quality* is meant to imply objectivity and the degree to which the recommendation accurately and appropriately describes the candidate.

___ Yes ___ No

III. If your answer to II is yes, please indicate whether you feel the quality of the open or the quality of the confidential recommendation is likely to be higher.

___ Open ___ Confidential

IV. Do you as a school system/district have your own recommendation form(s)?

___ Yes ___ No

If the answer is yes:

A. Do you send your forms to persons from whom you already have other recommendations on the applicant?

___ Yes ___ No ___ Selectively

B. How do you determine to whom your recommendation forms are sent? Briefly explain.

V. If your answer to IV is yes, do you require that the candidate:

___ A. be evaluated on an open form?

___ B. sign a confidential waiver?

___ C. choose between an open or confidential form?

VI. In the process of choosing a candidate, whom do you further contact for verbal clarification or information concerning the candidate?

A. Principal	___ Yes	___ No	___ Selectively
B. Supervising teacher	___ Yes	___ No	___ Selectively
C. University Supervisor	___ Yes	___ No	___ Selectively
D. Professor	___ Yes	___ No	___ Selectively
E. Other (please specify)	___ Yes	___ No	___ Selectively

_____

VII. Which recommendations normally have the most influence on your decision to employ a teacher? Please indicate the three most important by placing a one (greatest influence), two, and three by the appropriate choices below:

___ Principal ___ University Supervisor

___ Supervising Teacher ___ Professor

___ Other (please specify) _____

VIII. If any answer to VI is yes or selectively, what is the nature of the information sought? Check as many choices as apply.

___ character ___ educational preparation ___ marital

___ personality ___ teaching skills ___ work habits

___ other (please specify) _____

_____ _____

Name School District

Please return to: Dr. John G. Martin
Department of Secondary Education
Indiana State University
Terre Haute, Indiana 47809

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TOWARD A RATIONALE FOR A SUPERVISORY MODEL OF INSTRUCTION IN MULTI-CULTURAL STUDENT POPULATIONS OR SWEATHOGS WON'T BITE
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